

Legislative Journal

TUESDAY, JUNE 22, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 113

SENATE

TUESDAY, June 22, 1976.

The Senate met at 11:00 a.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, once again we pledge ourselves in Your protection. With Your help this Assembly will be able to accomplish the good for which they were elected. Please guide them in this endeavor to promote the common good and let their differences of opinion result in harmony for all.

In the prayer dedicated to Your Name we address You as Father with praise and petition. May we never cease to praise You and seek those benefits which will promote Your will and our welfare.

We thank You, Lord, for all the blessings we enjoy in this country. Keep us free from any abuse that would destroy our freedom to live in peace. 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 NOLAN, further reading was dispensed with, and the Journal was approved.

BILLS INTRODUCED AND REFERRED

Senators HAGER, MYERS and JUBELIRER presented to the Chair **SB 1631**, entitled:

An Act amending the act of July 19, 1951 (P. L. 1130, No. 248), entitled "Uniform Contribution Among Tortfeasors Act," further providing for the effect of a release of one joint tortfeasor.

Which was committed to the Committee on Judiciary.

Senators FLEMING, MESSINGER and EWING presented to the Chair **SB 1632**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," imposing limitations in the use of free transportation by pupils regularly providing their own transportation.

Which was committed to the Committee on Education.

CALENDAR

HB 65 CALLED UP OUT OF ORDER

HB 65 (Pr. No. 3232)—Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 65 (Pr. No. 3232)—Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

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

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

YEAS—41

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

NAYS—6

Bell,	Frame,	Snyder,	Wood,
Fleming,	Lentz,		

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.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 136 (Pr. No. 1956)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

BILL REREFERRED

HB 219 (Pr. No. 3418)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 305 (Pr. No. 3358)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming,	Frame, Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis,	Lynch, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood,
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NAYS—0

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

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

HB 615 (Pr. No. 693)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming,	Frame, Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis,	Lynch, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood,
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NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 649—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 694 (Pr. No. 3481)—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 KURY. Mr. President, I request unanimous consent to insert my remarks into the record.

The PRESIDENT pro tempore. The Chair hears no objection, and the remarks will be submitted for the record.

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

Mr. President, I intend to vote today in enthusiastic support of House Bill No. 694, commonly known as the Welfare Reform Proposal. What we are talking about here today is more than a collection of specific revisions in State law governing our public welfare program. What we are attempting to address ourselves to today is really the integrity of the entire welfare system in Pennsylvania.

No system can function if its integrity is under attack. No one here needs to be reminded that the integrity of public welfare in Pennsylvania is less than sound. The plain fact is that there are a host of hard working, productive, taxpaying citizens in this State who look at the welfare program and conclude that there are a lot of people getting something for nothing out of it at their expense. That outrages them and, in many respects, that outrage is justified. That is why House Bill No. 694 is so important.

It is a measure which, in its largest sense, attempts to reinforce the integrity of the welfare system. It is a measure which says to the productive citizens of this State, we in the General Assembly are intent in rectifying the inequities of the welfare system. It says that we are serious in our efforts to curb the potential for fraud or abuse of that system.

I am particularly impressed with the emphasis House

Bill No. 694 places on work rehabilitation and job placement for public welfare recipients through the Pennsylvania Employables Program. I think it makes great sense to have welfare recipients register with the State Bureau of Employment Security for job training and potential job placement. I think it makes even greater sense to vest within the Bureau of Employment Security the primary responsibility for this job search rather than have an already overburdened, unwieldy Welfare Department tackle that task as well.

Moreover, I look with particular favor on the proposed central registry for absent parents and the heightened responsibility the bill places on our welfare personnel for the verification of absent parents. I believe the tightened regulations governing the so-called Work Incentive Program are very much in the public interest and I congratulate the framers of this legislation for the attention they devoted to that issue.

No measure proposing a variety of fundamental revisions such as this one does will ever win unanimous agreement on each and every issue affected by it. But I happen to believe that House Bill No. 694 is weighed very much in favor of much needed, too long delayed reforms—reforms which have as their primary thrust a tightening of regulations governing our welfare program.

The general public is very suspicious of the welfare program as it currently functions. Until that suspicion is overcome, welfare will never achieve a position of widespread public acceptance. Without that acceptance, it just cannot function properly.

I am certain each of us has his own impression as to how far House Bill No. 694 goes, or how much further it might be made to go. But the critical point is that on the whole, it provides the opportunity for significant progress on rectifying the weaknesses of the system. On that count alone, it merits our support.

And the question recurring,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—3

Arlene, Hankins, Reibman,

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.

SB 959 (Pr. No. 1990)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

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.

BILL OVER IN ORDER TEMPORARILY

SB 994—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL OVER IN ORDER

HB 1082—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1089 (Pr. No. 3410)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

SB 1189—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND
FINAL PASSAGE

HB 1196 (Pr. No. 3420)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

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

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

YEAS—31

Bell,	Hager,	Murray,	Ross,
Cianfrani,	Holl,	Myers,	Scanlon,
Dougherty,	Jubelirer,	Nolan,	Smith,
Duffield,	Lentz,	Noszka,	Snyder,
Dwyer,	Lynch,	O'Pake,	Stapleton,
Early,	Messinger,	Orlando,	Sweeney,
Ewing,	Moore,	Reibman,	Tilghman,
Frame,	Murphy,	Romanelli,	

NAYS—16

Ammerman,	Fleming,	Howard,	McKinney,
Andrews,	Hankins,	Kelley,	Mellow,
Arlene,	Hess,	Kury,	Stauffer,
Coppersmith,	Hill,	Lewis,	Wood,

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

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

BILL OVER IN ORDER TEMPORARILY

SB 1340—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AMENDED

HB 1409 (Pr. No. 3270)—Considered the third time,

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

Amend Sec. 2 (Sec. 2), page 3, line 15, by removing the comma after "ACT" and inserting: and annually thereafter,

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

Senator JUBELIRER. Mr. President, this amendment changes the law as it currently is regarding bakeries. The amendment would require a physical examination of those in the bakery industry on an annual basis. The current law is that the bakery workers are required to have an examination twice a year. This changes that to make it annually. Under House Bill No. 1409 the only requirement would be for a bakery worker to have an examination at the time of his employment. There

would be no further requirements. This amendment takes the position that that is far too lenient, that there should be an examination more than just at the time of employment, yet we recognize that the cost and the trouble of having an examination twice a year is significant.

What we tried to do by this amendment is to make it an annual examination. Once a year, I think, protects the public and would not be an overregulation of this particular industry.

Mr. President, I respectfully ask that the amendment be adopted.

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

It was agreed to.

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

BILLS OVER IN ORDER TEMPORARILY

SB 1431 and 1466—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILLS ON THIRD CONSIDERATION AND
FINAL PASSAGE

SB 1516 (Pr. No. 2072)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

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 1556 (Pr. No. 2917)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, I rise to call the attention of the Senate to what they are doing if they pass this bill. This is House Bill No. 1556. At the present time, when a school safety patrol child is put on the public highway on school crossing duty, he or she must be furnished with a belt that is both retroreflective and fluorescent. This bill will require only that the belt be

fluorescent. In other words, we are not going to require that those children as school guards have the same protection against motorists that they have today, and I think this is an invitation to traffic deaths.

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—41

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

NAYS—6

Andrews,	Ewing,	Sweeney,	Tilghman,
Bell,	Snyder,		

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

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

BILL OVER IN ORDER TEMPORARILY

HB 1642—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1643 (Pr. No. 3509)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

BILLS OVER IN ORDER TEMPORARILY

HB 1956, 1957 and 2123—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2294 (Pr. No. 3181)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KURY. Mr. President, I think all of us in this Chamber recognize the fluency of the gentleman from Lehigh, Senator Messinger, the gentleman from Lebanon, Senator Manbeck, and the gentleman from Dauphin, Senator Lentz, in speaking the Pennsylvania German dialect, the Deutsch spreche. In my District we also have a very large Pennsylvania Dutch population, particularly in Northumberland and Snyder Counties, and as their Senator I would like to say a few words in the Deutsch spreche, in behalf of this bill, House Bill No. 2294:

Mr. President, Ich sta im helf funn House bill zway un zwonzy, fier un ninsich. Pennsylvonionia kon stultz si funn de fella soda leit os so un defferanta un interesont schtat macht. Im mina Senat blatz bodich in Snyder, Union un Northumberland Counties sim mier oddic stultz funn do Pennsylvonionia Deutch. Es middog end funn Northumberland County is casa "De Unner Mahanoy" nun, vie Snyder County, is de hamet funn feel leit os olz much de Pennsylvonionia Deutch so gut schwetzha dos mier English schwetzha. I been nat ains funn ma over Ich glab wos a deutchia mier gsaucht hut. "Ier kenna lonna." You can learn!

De Pennsylvonionia Deutch funn meina Senat blatz sin an gross pout funn unsem gebawa un land schoft lava. Se hen a lot gado fa unera odivet und schdick funn de blatz. Ich been schults zu sta fa ze im dem grossa blatz. Ich been aw fro sta fa House bill zway un zwonzy, fier un ninsich. Im mina mind is es bill en gooda vage fa veisa wos funn gross ding das de Pennsylvonionia Deutch gedo hen fa unsa schtat leit.

Ich bedunk mich.

Senator LENTZ. Mr. President, Ich sage der kann nicht gut Deutch spreche.

Senator MCKINNEY. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

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

Senator KURY. I will, Mr. President.

Senator MCKINNEY. Mr. President, I would like to know if he was speaking Swahili or was that Pennsylvania Deutch, as he said.

Senator KURY. Mr. President, if the gentleman will put a motion in for Swahili, I will be happy to listen to him in that language.

Senator MESSINGER. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

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

Senator KURY. I will, Mr. President.

Senator MESSINGER. Mr. President, I have a very simple question to ask of him. Was hast du g'sagt? Which means, "What did he say?" I could not understand it.

Senator KURY. Mr. President, I thought I made it clear at the beginning that I do not possess the fluency that the gentleman from Lehigh, Senator Messinger, possesses. For that reason I have had my remarks typed in both English and the Deutsch, correctly spelled and written, and would like to insert these into the record so those reading it can certainly understand what I said in either language.

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

English Translation of Remarks in "Pennsylvania Dutch" by Senator Kury on House Bill 2294.

Mr. President, I rise in support of House Bill 2294. Pennsylvania can be proud of the many nationalities which make it such a diverse and interesting state. In my Senate District, especially in Snyder, Union and Northumberland Counties, we are particularly proud of the Pennsylvania Dutch. In fact, the southern portion of Northumberland County is referred to as "The Lower Mahanoy" and, like Snyder County, is the home of many people who still speak in Pennsylvania Dutch as fluently as we do in English. Unfortunately, I am not one of them but I do believe what one Dutchman told me. "Ier Kenna ionna." You can learn!

The Pennsylvania Dutch of my Senate District are a substantial part of our agricultural and rural community. They have contributed greatly to the cultural and economic strength of the area. I am proud to represent them in this great body and I am equally pleased to support House Bill 2294. In my judgment, this bill is an appropriate means of recognizing the great contributions which the Pennsylvania Dutch have made to our Commonwealth's cultural heritage.

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—47

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

NAYS—0

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

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

BILLS OVER IN ORDER TEMPORARILY

HB 2456 and 2457—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 121—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

SB 1579—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL REREFERRED

HB 167 (Pr. No. 3506)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Business and Commerce.

BILL OVER IN ORDER TEMPORARILY

HB 290—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL REREFERRED

SB 340 (Pr. No. 1958)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on State Government.

BILL ON SECOND CONSIDERATION

HB 485 (Pr. No. 3405)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

HB 546—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 556 (Pr. No. 3419)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER TEMPORARILY

HB 596, 600 and 748—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 797 (Pr. No. 3355)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER TEMPORARILY

SB 903, HB 1078, SB 1170 and 1172—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILL REREFERRED

HB 1231 (Pr. No. 1422)—Upon motion of Senator LEWIS, and agreed to, the bill was rereferred to the Committee on Environmental Resources.

BILL ON SECOND CONSIDERATION

SB 1243 (Pr. No. 2038)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HILL offered the following amendments:

Amend Sec. 8, page 7, lines 9 through 27 by striking out all of said lines

Amend Sec. 9, page 7, line 28 by striking out "9." and inserting: 8.

Amend Sec. 10, page 8, line 1 by striking out "10." and inserting: 9.

Amend Sec. 11, page 8, line 4 by striking out "11." and inserting: 10.

On the question,

Will the Senate agree to the amendments?

Senator HILL. Mr. President, this bill, Senate Bill No. 1243, is a bill to deal with the subject of wife or husband beating, which is a very serious matter. We had a lot of testimony on this in the committee and we have developed this bill as a result of the testimony to more or less conform with a bill that New York has whereby the court can enter an order, upon the petition of a wife or husband, as the case may be, to bar the spouse from the common domicile for up to one year. Also certain other relief can be given by the court.

Mr. President, the amendments I offer will take out of the bill certain language which would permit a justice of the peace on a weekend—I am speaking of page 7 of the bill, Section 8, entitled Emergency Relief. The amendments I have would take this section out of the bill. I feel that this is a bad section; first of all, this section says that:

"When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week . . ." In other words, on the weekend, a wife or a husband may come before a district justice ex parte, that means without the other side being present, and get an order banning—a spouse usually it would be the husband—from the home for up to seventy-two hours upon good cause shown.

Mr. President, this is very extraordinary relief for a justice of the peace to give. We feel that it should be the relief that a court can give, not a justice of the peace. We think that this is a very drastic remedy. It is in the nature of an equitable remedy. Justices of the peace are not trained in the law to give this kind of relief. I think it should be handled by a law-trained judge and it is ironic because if the court were to give the relief, if it were not on a weekend, the court can administer other relief such as telling the spouse to desist from this conduct and entering an order of that kind rather than the drastic order of banning from the property. But the justice of the peace has no alternative, he just must give this or nothing. I think this will mean that a lot of people will come to justices of the peace with this kind of request. It may be dropped after the weekend is over and then the next weekend they may come back with this kind of

thing; rather than a continuing jurisdiction that a court could have, it might be just a thing which is more spur of the moment than were it to be brought before a court with a petition and have the court assume continuing jurisdiction of the matter as it is done in New York State.

Mr. President, we had a lot of women's groups in on this bill; none of them pushed for this particular section which was inserted into the bill by the gentleman from Blair, Senator Jubelirer, and the committee. As a prime sponsor of the bill I would hope that it be taken out. I do not really think it adds anything to the bill that is not otherwise provided for in the legislation.

Senator JUBELIRER. Mr. President, I rise to oppose the amendments as set forth by the gentleman from Philadelphia, Senator Hill.

Mr. President, this is the heart of this kind of legislation, emergency relief. We have all seen the rise of spouse abuse over the last many years. Spouse abuse is one of the most serious problems that this Commonwealth and this nation faces. It is a problem that has not been faced in the Commonwealth of Pennsylvania by legislation until now. I think this kind of legislation is vitally important to abused spouses in Pennsylvania.

However, Mr. President, the one area that was not covered by this bill was the emergency relief section. When the woman from New York testified before our Judiciary Committee we asked her about an emergency relief procedure. She said that in New York this was a great deficiency, that there it was not covered; that they had hoped perhaps they might cover it.

This bill and this section, which was my amendment in the Judiciary Committee, does, in fact, take it into consideration. When the gentleman from Philadelphia, Senator Hill, says that by taking this out it would not do anything significantly to the bill, I would say to the gentleman that I respectfully but vigorously disagree. I think that this has an effect of taking away the immediate relief that is needed.

What do we have, Mr. President, when these cases come before us? I think I speak with some degree of experience, professionally, having dealt with spouse abuse cases before. We have in Pennsylvania now, Mr. President, only one recourse, and the only recourse an abused spouse has today is a criminal prosecution of assault and battery. For that the abused spouse must go to a district justice of the peace and file a complaint against the abuser in the matter of assault and battery. That does not remove the abuser from the home. In effect, once the complaint is filed, there are times—in fact it often happens—where the person who does the abusing goes back into the home and again abuses the spouse to the point where I have seen women black and blue from head to toe. There is no way we are going to correct spouse abuse in Pennsylvania until we get the abuser out of the house.

Mr. President, in this particular piece of legislation, under the terms of the Act, other than the emergency procedure, it provides the Court of Common Pleas with jurisdiction to provide relief by removing the abusing spouse temporarily, for a period of up to one year. This particular procedure takes into consideration the obvious when the male or the female, whoever it might be, comes home on a Friday afternoon after getting their pay check, drinks up the pay check, and figures the wife is now fair game—and it is almost always the wife who is the abused spouse. In rare instances I suppose it could be reversed,

but we might as well call it as we see it. The fact is that she can be beaten over the weekend. There is nothing she can do and the police do not and cannot intervene. The only thing they tell her to do is go to a district justice of the peace and file a complaint, and that is the only relief.

Mr. President, this is civil relief. It gives only a maximum of seventy-two hours, where the abused spouse, for good cause shown—and she must go in and show good cause for the immediate and present danger of abuse to the plaintiff or minor children, which shall constitute good cause for the purpose of this section. This is a temporary order.

Mr. President, if the Court of Common Pleas were on duty over the weekend, that is where it should be; but let us face it, you cannot get a judge on a Friday night or Saturday afternoon or a Sunday morning, but you can get a district justice of the peace. We are asking them and we have tried to professionalize them to some degree to make a decision based on good cause for immediate and present danger for a maximum of seventy-two hours or when the Court of Common Pleas is in session, whichever is sooner. I think that a temporary order from that court over the weekends is not anything other than protecting lives, protecting children, protecting those who are subjects of abuse and, if any of you, any of us, who saw the film, the David Susskind Production—I saw it on my own television at home, but the person from New York presented it here—you would realize that this is not a matter that happens on occasion, this is a matter that is happening constantly. It is a matter that happens in every kind of socio-economic situation. Whether it be the very rich, the very poor or the middle class, it happens.

I think, Mr. President, to take this section away, to accept these amendments, to delete this section, is a gross gutting of a very, very important part of this piece of legislation. We have to make up our minds, Mr. President, what we want to do in Pennsylvania. Sure, there are going to be instances where this particular section has an opportunity to be abused, where, perhaps, there may be an argument and the wife may go in and try to abuse it, but she must show immediate and present danger.

Mr. President, we have this to decide: Who are we trying to protect? I think this particular section protects the person who is going to be abused far better than if we remove it. If we remove this section, we leave the weekend situation, the most common of situations, uncovered.

Mr. President, I ask my colleagues to please vote “no” on the amendments.

Senator BELL. Mr. President, I support the gentleman from Blair, Senator Jubelirer. There is a different situation in different parts of the Commonwealth. In my own county we have eleven sitting judges and two senior judges, thirteen judges. They are available around the clock.

Members of the Senate, do you realize there are twenty-nine counties in this Commonwealth where there is only one judge? You are not going to require him to sit around the clock because he will not sit. What happens if the judge from one of these counties happens to be on vacation, out of the county or sick? Is this an open invitation for husbands to beat their wives? I support the gentleman from Blair, Senator Jubelirer, and I think that his

argument should prevail and we should keep these amendments in this bill.

Senator HAGER. Mr. President, I recognize the problems which the gentleman from Blair, Senator Jubelirer, attempts to attack through this provision in the bill which was added by a very close vote, as I recall, in the Committee on Judiciary. I recognize the problem and I wish we could do something about the problem, but I think what we must do at the same time is take very serious cognizance of the Constitution of the United States of America.

I think one of the problems which we have faced in this country is that we frequently forget, in solving a crisis problem, what the law is and what the Constitution is. Although I would like to help the gentleman from Blair, Senator Jubelirer, solve the problem, I think his attempt to do so says, forget the Fourteenth Amendment to the Constitution of the United States. It says, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

When you give to a justice of the peace a power which the constitutional courts of this country do not even have, that is to say to a man or a woman, “You may not go to your own property. You may not have the right to your own property for a period of seventy-two hours,” and does that without due process of law, that is without the man even being heard, without the man even being notified that such action is going to take place, without any respect for his rights at all, without any respect for the Constitution of the United States at all, then the remedy which you bring about is much more severe than the damage you seek to avoid.

I understand. I have been a district attorney, and I am very aware of the problems of wife abuse and child abuse. However, some other solution must be sought. Merely to say okay—in this case the damage is great enough that we will forget the Constitution—is to take the road which leads to anarchy and not to the continuation of our system of laws.

Senator HILL. Mr. President, when this matter first came up in committee, in fact, when this bill was first brought to me for introduction as prime sponsor, I had a lot of concern—I know other members of the committee did also—over the concept of banning someone from their own property, as the gentleman from Lycoming, Senator Hager, has just pointed out. There were quite a few members of the committee who felt that we could not do this, but the testimony and what we found out about this whole problem of wife beating was so compelling that we had to try to do something about it, even though we felt we were trespassing pretty closely in taking a man’s property without due process of law.

Therefore, we did draw up this bill and we did provide in it, as carefully as we could, certain things to take care of that man’s rights. We have on page 5, Section 5, a provision concerning the hearings under this bill, pointing out that, “Within ten days of the filing of a petition—

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President, I believe the gentleman is getting into a discussion of the merits of the bill. This is just the amendments we are talking about here, the weekend justice of the peace matter. The merits of the bill should be debated later.

Senator HILL. Mr. President, I have listened to the other Senator a good many times, and I thought he was way off the track. I am not off the track on this point because it deals—

Senator DUFFIELD. Mr. President, I am not making a joke out of this. I mean that the gentleman is arguing the bill, he is not debating his own amendments. If he wants a vote on his amendments, he had better get to that.

The PRESIDENT pro tempore. The gentleman is correct. We are not debating the bill. These are amendments. He has been allowed to stray all over the lot here, and I would caution the Senator to stay with the amendments.

Senator HILL. Mr. President, I am simply pointing out why the amendments are necessary. The bill provides in it safeguards for the man whose property is going to be taken from him in the sense that he would be banned from it for up to one year, which is a drastic remedy.

To go one step further and say that a justice of the peace can do this ex parte, without any thought being given to the husband's right to have counsel or prepare his case, I think is going a bit further than we intended to do in this legislation. I am all for the concept of protecting the wife and the children under these circumstances, but I think we cannot be carried away to the point where we are going to erode some very serious problems.

I agree with what the gentleman from Lycoming, Senator Hager, said, but I wish to point out to the Senate that that is the way the bill was designed. This is not part of the design, the part we are trying to take out.

Senator JUBELIRER. Mr. President, I assure you, as I assure everybody, that the Constitution is as meaningful to me as it is to those who say that this is not constitutional. I have been here only a short time and I have heard the argument of constitutionality on many bills. When I was not here, I read about the argument of constitutionality on the issue of no-fault, which the court later determined was not what many of this Body thought it was.

The ex parte hearing is not an unusual thing in jurisprudence, Mr. President. We have ex parte hearings and temporary preliminary injunctions at which time the court later schedules a hearing on the preliminary injunction. This only takes into account a period of seventy-two hours, until such time as the court will be in order. It is a temporary order.

If my colleagues will read the section which the gentleman from Philadelphia, Senator Hill, refers to and which he is trying to take out by amendment, it says—I am reading from line 19—in section (B), “Any order issued under subsection (A) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.”

The PRESIDENT pro tempore. Senator Jubelirer, I would caution you. We are talking on the amendments.

Senator JUBELIRER. I am also, Mr. President. This is what the gentleman wants to remove by amendment. That is the section he wants to remove.

I would suggest, Mr. President, with the legal research which we have done on this particular section, that there is a constitutional basis for it by virtue of the short period of time and a hearing will be held thereafter as provided right in the section.

Ex parte hearings are not unusual in our jurisprudence. As long as a hearing can be scheduled shortly thereafter, I would think that this meets the test of constitutionality.

Again, Mr. President, I would ask a “no” vote on these amendments and recognize the problem that abused spouses have in the Commonwealth.

Senator REIBMAN. Mr. President, I would agree with all of the arguments put forth by the gentleman from Blair, Senator Jubelirer, to defeat the amendments introduced by the gentleman from Philadelphia, Senator Hill. I feel also that there are plenty of constitutional safeguards in this bill. It has been ably debated by the gentleman from Blair, Senator Jubelirer, and I would hope that all of my colleagues here would vote “no” on the amendments.

Senator DUFFIELD. Mr. President, I rise to support these amendments. I do not think there is anyone on this floor who has had more experience with this type of case than I. Most of them which I have handled, on these weekend so-called emergencies, have called me and they wanted to go down to the squire and have their old man put in jail. Some of them could not do it on a weekend, so Monday morning they come in the office hand-in-hand and ask me how much they owed me for interrupting me. They were back and happy again.

I know this is a great day for equal rights and all that jive. Women are supposed to be equal with the husbands. However, I would be very disturbed, knowing some of my justices of the peace, if I went home on a weekend and my wife and I got into a little altercation and she took me down to this character and he told me that I could not stay in my own house over the weekend just on a simple complaint made by my wife. How far can we stretch this thing? Any woman—and we have quite a few of them in my area who do a little paramouring on weekends and they do not want their husband around. Now, these are facts and I can name names for anyone who disputes them.

A lot of these husbands are working in Cleveland—because we do not have the Volkswagen plant, these characters have to go out there and get a job—or working in various other parts of the Commonwealth. They come home unexpectedly on a weekend when she has her paramour with her. She is rather shocked. In fact, her paramour is shocked and stunned. They get into a little altercation. “What are you here for?” Well, in order to make sure that she enjoys the weekend—I am talking nitty-gritty, brass tacks of living. This is not anything from a David Susskind show or anything like that. I do not think we should pass laws on the David Susskind show.

In any event, this paramour is there and her husband is there. So, they get into a little bit of a fracas, and she runs down to her friendly justice of the peace. She was a good Democratic committeewoman, she put him in

there. She cries about this terrible man who is causing beatings to her and so forth. Therefore, in order to keep her vote and in order to keep her happy and to make sure that she puts out the money at the next election, he is going to tell that husband, "You stay away from that wife of yours for the weekend."

Now, to me that is carrying things a little far. I think that a man has some rights in this world. He does not have many any more, but I think he has some rights and as far as abuse on weekends, I think—

POINT OF ORDER

Senator HILL. Mr. President, I rise to a point of order. The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Hill, will state it.

Senator HILL. Mr. President, the gentleman is not speaking on the amendments. I would like to get the roll call over with.

The PRESIDENT pro tempore. The point of order is well taken.

Senator DUFFIELD. Mr. President, I think if the gentleman would be listening, he would hear me talking for his amendments, talking about weekend beatings. I do not see how I can make it any more explicit.

We are talking, Mr. President—and if the gentleman from Philadelphia, Senator Hill, listens to this—about going to a squire. His amendments take out the present provision in there about permitting some wife to go down to a squire on a weekend and have that squire force her husband to leave the premises for the weekend until such time as they can get to a court the next week.

The bill presently provides that there has to be a ten-day waiting period for a hearing. So, if they have to wait ten days, although the court can give temporary relief, for a hearing, why can they not wait until Monday morning in order to put that husband out of the house.

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

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

Senator CIANFRANI. Mr. President, I was voting under a misapprehension and I would like to change my vote from "aye" to "no."

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

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

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

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

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

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

YEAS—15

Ammerman,	Hager,	Lynch,	Noszka,
Andrews,	Hankins,	Mellow,	Scanlon,
Coppersmith,	Hill,	Murphy,	Zemprell,
Duffield,	Holl,	Murray,	

NAYS—32

Bell,	Hess,	Messinger,	Ross,
Cianfrani,	Howard,	Moore,	Smith,
Dougherty,	Jubellrer,	Myers,	Snyder,
Dwyer,	Kelley,	Nolan,	Stapleton,

Early, Ewing, Fleming, Frame,	Kury, Lewis, Manbeck, McKinney,	O'Pake, Orlando, Reibman, Romanelli,	Stauffer, Sweeney, Tlghman, Wood,
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So the question was determined in the negative, and the amendments were defeated.

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

It was agreed to.
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

HB 1310—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1313 (Pr. No. 2040)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

SB 1363—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL RECOMMITTED

SB 1380 (Pr. No. 1687)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Consumer Affairs.

BILLS OVER IN ORDER TEMPORARILY

SB 1413—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

SB 1435—Without objection, the bill was passed over in its order temporarily at the request of Senator KURY.

SB 1465, HB 1468 and SB 1478—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1487 (Pr. No. 1853)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

HB 1498—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 1512 (Pr. No. 2035) and SB 1513 (Pr. No. 1890)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

SB 1519—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1520 (Pr. No. 1897)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER TEMPORARILY

HB 1538 and **SB 1547**—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILLS OVER IN ORDER

SB 1559, 1560, 1561, 1562, 1563 and **1569**—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL OVER IN ORDER TEMPORARILY

HB 1579—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1607 (Pr. No. 1970)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

HB 1619—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 1752 (Pr. No. 2654) and **HB 1764 (Pr. No. 2258)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1811—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS OVER IN ORDER TEMPORARILY

HB 2059, 2061, 2062, 2063, 2064 and **2065**—Without objection, the bills were passed over in their order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2141 (Pr. No. 2924)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 2142—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL OVER IN ORDER TEMPORARILY

HB 2202—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2281 (Pr. No. 3130)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER TEMPORARILY

HB 2353—Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

BILL OVER IN ORDER

HB 2354—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

HB 2 CALLED UP OUT OF ORDER

HB 2 (Pr. No. 3541)—Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator NOLAN.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 2 (Pr. No. 3541)—Considered the third time,

On the question,

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

Amend Title, page 1, lines 1 through 4, 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 7 through 9; page 2, lines 4 through 30; page 3, lines 1 through 11, 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 Repre-

sentatives 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 Commission.—* * *

(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?

Senator KELLEY. Mr. President, many times on different issues that come before the Bodies, we discuss the aspects of efficiency in the numbers of our own, as well as the counter-balancing of the size of the constituencies that the Representatives attempt to serve.

Mr. President, these amendments are amendments to the proposed constitutional referendum that would bring up for consideration a unicameral body—that is, in lieu of the two bodies of the House and Senate. We would just have, in one instance, the single body, and I would like to invite serious deliberate consideration of some of the advantages of a unicameral body.

First, Mr. President, one of our sister states has such a function of the Legislature in a unicameral body and that is the State of Nebraska. I believe that we can say from the functions of the State of Nebraska that the major advantage is that the responsibility is felt by the members in a unicameral body as being sole and singular and that is, the one body, which is often the case here in the Commonwealth, where the Senate relies upon her sister Body, the House, to be doing the job and, therefore, be a little bit loose in our own intentions. Likewise, the House, in its attitude towards the Senate, should be doing the job where they anticipate or believe it to be done, when in fact, it may not be. Likewise, on a number of instances, and too often, we would be dealing with a duplication because we have, in our system, parallel committees, parallel investigations and duplication of time, effort and money.

Mr. President, I hear much talk about the aspects of efficiency in dollars to be saved, whether we are in committee meetings or whether we are in just good sessions of philosophy on government. Among us all we first strive to maintain a representative capacity. I believe there would be no duplication in itself by the constituencies.

Historically, Mr. President, the two bodies derive themselves from the concept of people and property and that has long since perished from our jurisprudence in the sense that we no longer represent property but rather people, since we have gone to the one man, one vote.

Mr. President, in order to streamline our government and to be more responsive, I am offering these amendments to have a unicameral body of 100 members, which would mean that distinguished gentlemen like the Minority Leader would only have approximately half the District; instead of 500 miles, he would only have to travel maybe 200. The District would therefore be a proper size so that the members would be easily accessible to their constituents and, likewise, 100 members in one body would be an efficient singular operation of the legislative process.

Mr. President, I urge my colleagues to vote in the affirmative on these amendments.

Senator MURPHY. Mr. President, I join the gentleman from Westmoreland, Senator Kelley, in the request for serious consideration of this measure. I have long espoused a unicameral legislative body. Since 1963, in the Baker versus Carr decision, in the Federal Courts, wherein all state legislative bodies must represent people in equal numbers, we are now doing it in two bodies here in Pennsylvania as well as most of the other states, just on different ratios. We are all to represent equal numbers of people. I think a unicameral body would be a very expeditious one and insofar as the legislative process is concerned, a more economical one and would suffice under today's Federal laws and regulations.

Senator NOLAN. Mr. President, I desire to interrogate the gentleman from Washington, Senator Murphy.

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

Senator MURPHY. I will, Mr. President.

Senator NOLAN. Mr. President, if the gentleman is successful and is elected to the United States Congress, would he propose the same thing in Washington, D. C.?

Senator MURPHY. Yes, Mr. President, I certainly would. However, there is a distinction, I remind the

distinguished Majority Leader. The Federal Constitution clearly provides for two Senators from each state, regardless of population. That has been held constitutional. However, the Federal courts and State courts have all ruled that legislative bodies must represent numbers of people in equal proportion.

Senator NOLAN. Mr. President, I rise to oppose the amendments offered by the gentleman from Westmoreland, Senator Kelley. If we expect to reduce the House and the Senate, this is the bill that we can successfully pass here today for the reduction.

Mr. President, in 1970 the Senate did pass a bill and sent it to the House where it was killed. In the 1971-1972 Session there were two bills passed in the Senate and sent to the House; one was buried and the other was defeated by the House. In 1973 one bill passed in the Senate and was again killed by the House.

Mr. President, this is a constitutional change in its present form. It will have to be put directly on the Calendar in the House and is not subject to amendments in the House when it goes back there.

If we are sincere in changing the size of the House and the Legislature, this is the vehicle that must be used. It was pointed out that Nebraska, one of our sister states, has a unicameral legislature. It is the only state in the fifty states that has it. If it so great, I am sure that the other states would have gone before we are going in that direction—before we would even consider going in that direction.

Mr. President, I have stood here this week, last week and the week before when different amendments have been offered, and also bills, and listened to the number of states in the United States that already had this type of legislation and that this was the reason we should support certain bills that we have passed and defeated here on this floor.

Mr. President, I think they are very poor amendments. I like the checks and balances that we have when we have the House and the Senate, one keeping a check on the other, and I ask my colleagues to defeat these amendments.

Senator EWING. Mr. President, I am also very strongly opposed to the concept of the unicameral legislature and therefore these amendments. The gentleman from Allegheny, Senator Nolan, has hit on my primary objection which is that it would destroy the system of checks and balances built into our legislative process by the present constitutional provisions.

Mr. President, I would point out to the Members that these amendments are really an attempt to kill this bill as it was amended yesterday. I would also point out that the bill is on the tenth day on our Calendar. If the amendments should be successful, of course, the bill would be dropped from the Calendar. We would not have an opportunity to vote it unless, at some future date, it might be reported back from committee.

Mr. President, I would urge all the Members to oppose these amendments.

Senator MESSINGER. Mr. President, there is a physical problem that some people have not realized, and I hate to think of the expense of converting this beautiful room to accommodate 100 people or the House to be made smaller so you would not be lost there with only 100 people, and the cost of that would probably be so tremendous in this day and age we could not afford to change to a unicameral system.

Senator KELLEY. Mr. President, I am not going to belabor the point. I would just like to ask for a roll call vote on the matter and would like to suggest that the magnitude and the persuasion of the immediately preceding speaker is something I believe would be greatly overcome by the increased efficiency of the function of the unicameral body in giving greater service.

I would like to remind my colleagues also that the doctrine of checks and balances is not one within the Legislature, but rather the Legislature is one of the three branches of government. Do not be misled by the aspect of the system of checks and balances of the House and the Senate. We, as a Legislature, in combination, operate a system of checks and balances with the Executive and Judiciary.

Mr. President, I urge my colleagues again to vote in the affirmative.

Senator ANDREWS. Mr. President, I would just like to make one point and that is that I think the adoption of these amendments, or the adoption by the Commonwealth of a unicameral legislature, would certainly deprive many of the people of Pennsylvania of their opportunity to air their point of view towards us, their Legislators.

Mr. President, we get much more mail and much more publicity on various legislation before the General Assembly after it has passed one Body of the General Assembly, either the House or the Senate. Any bill which passes either Body is set forth in the paper, and its advocates, proponents and opponents set forth their view and we get a lot of response from the public in these cases. If we would have a single Body of the Legislature this would not be true. The people would not be as informed as they are now, they would not have the opportunity to address to us, their representatives, their points of view and we, as Legislators, would be deprived of a great deal of public input with respect to various measures which come before us. I think it might be more efficient, it might be cheaper and there are many arguments that could be made, but I think the one that we would have to look at is that the adoption of the unicameral legislature in Pennsylvania would certainly deprive the people of Pennsylvania of that opportunity to have their opinions expressed to their representatives and would certainly go a long way in eliminating the impact of the public upon the policies that we present.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—6

Hill, Kelley,	Lewis, McKinney,	Murphy,	Smith,
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NAYS—43

Ammerman, Andrews, Ariene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing,	Fleming, Frame, Hager, Hankins, Hess, Holl, Howard, Jubelirer, Kury, Lentz, Lynch,	Manbeck, Mellow, Messinger, Moore, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,

Shall the bill pass finally?

Senator EWING. Mr. President, the provisions in this bill, as amended, were discussed very thoroughly here yesterday. I would be hopeful that this bill will pass today, as similar legislation has passed in this Body in previous Sessions and it will go to the House of Representatives and they will take prompt action before the end of this Session.

Mr. President, I point out that this legislation can be reenacted early in the next Session and go on the ballot as early as the primary elections next year.

Mr. President, many of the people I represent and hear from and many of the news media people who have editorialized, at least in the greater Pittsburgh area, have supported wholeheartedly this kind of legislation and they also tend to relate this kind of legislation, reducing the size of the General Assembly, to the issue which was voted upon yesterday dealing with the remuneration of Members of the Pennsylvania General Assembly. I think that this is an essential step forward and I would be reluctant to vote for any increases, as I voted against the creation of the Compensation Commission yesterday, until we take affirmative action on this type of legislation reducing the size of the Pennsylvania General Assembly and making it an effective, more efficient Body, and I think it will be a more responsive Body and attract even a higher caliber of people to the Legislature.

The PRESIDING OFFICER (Eugene F. Scanlon) in the Chair.

Senator TILGHMAN. Mr. President, I rise in opposition to this bill. Over the course of time, in years back, the League of Women Voters and various other groups have come to me and said, "Would you vote to cut the size of the Senate and cut the size of the House?"

I said, "I will never vote for that."

Recently, as I get a little older, I guess, I realize one should not use the word "never" so maybe I would some day, but certainly this is not the vehicle.

I believe that Mr. Prendergast of the House and myself are the only people here who served on the Reapportionment Commission in 1971 when we reapportioned the State. It is a difficult thing to do. It is not just something you can say, that we will have 150 House Members and there will be three to a Senatorial District. It does not work that way. You can do it mathematically, of course, but when you come to split up the Districts and try to have decent representation for the people in this Commonwealth, we do not gain anything by reducing the size of the House.

I do not see any particular benefit to changing the length of the term of the House Members from two years to four years. I ran for the House, I knew it was two years, and I knew I was going to run again. I know it is a four-year term here. It has been two years in the House of Representatives in Washington D. C., and I think the people who wrote the Federal Constitution were pretty smart when they did that.

You will find another argument proposed, that if you

reduce the size of the House it is "easier to handle." Easier to handle by whom? It is certainly not easier for the people of the Commonwealth of Pennsylvania to get in touch with their Representatives. Any time you reduce the size of the House, you reduce representation for people in this Commonwealth. I have always been a little curious as to who wants to handle a reduced House or a reduced Senate. I do not like the connotation of the words that are used when it says it is easier to handle.

This schedule in this bill, on pages 2 and 3, relative to who is going to run where and when and everything else, just seems to me—these are the amendments put in yesterday by one of my colleagues on this side of the aisle. I did not talk against them then, but I voted against them.

When you get down to one line here it says, "The Members of the Senate shall draw lots to determine whether the term of office . . ." I think it is a mistake to draw lots. If we cannot write it out in legislation how are we going to do this, who is going to run when, drawing of lots does not seem to me to be a legislative method which we should use. I think it is ill-conceived legislation.

I talked to some of the House Members last night and I said, "How come you people ever let this bill out of the House, leaving the Senate at fifty and cutting your own numbers?"

They said, "We do not know what you are talking about." I have not heard from them today, but there were Democrats and Republicans we were talking to last night, and they have no idea how this came through. I do not know whether these amendments were put into a bill in the House, kind of on a voice vote when there were not too many people there, but they have no recollection of voting for it.

I think it is an ill-conceived piece of legislation, and I hope the Members in this Body will vote against the bill.

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—22

Andrews, Bell, Coppersmith, Dwyer, Early, Ewing,	Fleming, Howard, Kelley, Murphy, Murray, Nolan,	Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Smith, Stapleton, Sweeney, Zemprelli,
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NAYS—25

Ammerman, Arlene, Cianfrani, Dougherty, Duffield, Frame, Hager,	Hankins, Hess, Hill, Holl, Jubelirer, Kury,	Lewis, Lynch, Manbeck, McKinney, Messinger, Moore,	Myers, Reibman, 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.

SB 1580 CALLED UP OUT OF ORDER

SB 1580 (Pr. No. 1998)—Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator NOLAN.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1580 (Pr. No. 1998)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDING OFFICER. Before we call for a roll call, I would like to remind the Members that this next series of bills are nonpreferred appropriations and require an affirmative vote of thirty-four.

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—49

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILL OVER IN ORDER

SB 1581—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1582 (Pr. No. 2000)—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, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

SB 1583 (Pr. No. 2001)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1584 (Pr. No. 2002)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1585 (Pr. No. 2003)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Ammerman,	Hager,	Manbeck,	Reibman,
Andrews,	Hankins,	McKinney,	Romanelli,
Arlene,	Hess,	Mellow,	Ross,

Bell,	Hill,	Messinger,	Scanlon,
Cianfrani,	Holl,	Moore,	Smith,
Coppersmith,	Howard,	Murphy,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Duffield,	Kelley,	Myers,	Stauffer,
Dwyer,	Kury,	Nolan,	Sweeney,
Early,	Lentz,	Noszka,	Tilghman,
Ewing,	Lewis,	O'Pake,	Wood,
Fleming,	Lynch,	Orlando,	Zemprelli,
Frame,			

NAYS—0

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

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

SB 1586 (Pr. No. 2004)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1587 (Pr. No. 2005)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Manbeck,	Reibman,
Andrews,	Hager,	McKinney,	Romanelli,
Arlene,	Hankins,	Mellow,	Ross,
Bell,	Hess,	Messinger,	Scanlon,
Cianfrani,	Hill,	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,

NAYS—1

Kelley,

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

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

SB 1588 (Pr. No. 2006)—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, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

SB 1589 (Pr. No. 2007)—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—46

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—3

Andrews, Dwyer, Hess,

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

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

SB 1590 (Pr. No. 2008)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Ammerman, Andrews, Arlene, Bell, Cianfrani,	Frame, Hager, Hankins, Hess, Hill,	Manbeck, McKinney, Mellow, Messinger, Moore,	Reibman, Romanelli, Ross, Scanlon, Smith,
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Coppersmith, Dougherty, Dwyer, Early, Ewing, Fleming,	Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch,	Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Snyder, Stapleton, Stauffer, Tilghman, Wood, Zemprelli,
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NAYS—2

Kelley, Sweeney,

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

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

SB 1591 (Pr. No. 2009)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Duffield, Dwyer, Early, Ewing, Fleming,	Frame, Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—1

Kelley,

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

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

SB 1592 (Pr. No. 2010)—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—41

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hill, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Reibman, Romanelli, Scanlon, Smith, Snyder, Stauffer, Tilghman, Wood, Zemprelli,
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NAYS—7

Andrews, Hess, Holl, Kelley, Ross, Stapleton, Sweeney,

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

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

SB 1593 (Pr. No. 2011)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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NAYS—4

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

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

SB 1594 (Pr. No. 2012)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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NAYS—4

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

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

SB 1595 (Pr. No. 2013)—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, Andrews, Arlene, Bell, Cianfrani,	Hager, Hankins, Hess, Hill, Holl,	Manbeck, McKinney, Mellow, Messinger, Moore,	Reibman, Romanelli, Ross, Scanlon, Smith,
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Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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NAYS—0

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

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

SB 1596 (Pr. No. 2014)—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, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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NAYS—0

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

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

SB 1597 (Pr. No. 2015)—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, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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NAYS—0

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

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

SB 1598 (Pr. No. 2016)—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—41

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

NAYS—8

Andrews,	Hess,	Kelley,	Stauffer,
Dwyer,	Holl,	Stapleton,	Sweeney,

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

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

SB 1599 (Pr. No. 2017)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1600 (Pr. No. 2018)—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—41

Ammerman,	Hankins,	McKinney,	Romanelli,
Arlene,	Hill,	Mellow,	Ross,
Bell,	Holl,	Messinger,	Scanlon,
Cianfrani,	Howard,	Moore,	Smith,
Coppersmith,	Jubelirer,	Murphy,	Snyder,
Dougherty,	Kury,	Murray,	Stauffer,

Duffield,	Lentz,	Nolan,	Sweeney,
Early,	Lewis,	Noszka,	Tilghman,
Fleming,	Lynch,	O'Pake,	Wood,
Frame,	Manbeck,	Orlando,	Zemprelli,
Hager,			

NAYS—8

Andrews,	Ewing,	Kelley,	Reibman,
Dwyer,	Hess,	Myers,	Stapleton,

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

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

SB 1601 (Pr. No. 2019)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

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

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

SB 1602 (Pr. No. 2020)—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—42

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

NAYS—7

Andrews,	Hess,	Myers,	Stapleton,
Dwyer,	Kelley,	Snyder,	

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

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

SB 1603 (Pr. No. 2021)—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—41

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

NAYS—8

Andrews,	Ewing,	Kelley,	Snyder,
Dwyer,	Hess,	Myers,	Stapleton,

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

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

SB 1604 (Pr. No. 2022)—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—40

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

NAYS—9

Andrews,	Hess,	Moore,	Snyder,
Dwyer,	Kelley,	Myers,	Stapleton,
Ewing,			

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

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

SB 1605 (Pr. No. 2023)—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—42

Ammerman,	Hankins,	Mellow,	Romanelli,
Arlene,	Hill,	Messinger,	Ross,
Bell,	Holl,	Moore,	Scanlon,
Cianfrani,	Howard,	Murphy,	Smith,

Coppersmith,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kury,	Nolan,	Stauffer,
Duffield,	Lentz,	Noszka,	Sweeney,
Early,	Lewis,	O'Pake,	Tilghman,
Fleming,	Lynch,	Orlando,	Wood,
Frame,	Manbeck,	Reibman,	Zemprelli,
Hager,	McKinney,		

NAYS—7

Andrews,	Ewing,	Kelley,	Stapleton,
Dwyer,	Hess,	Myers,	

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

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

SB 1606 (Pr. No. 2024)—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—42

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

NAYS—7

Andrews,	Ewing,	Kelley,	Stapleton,
Dwyer,	Hess,	Myers,	

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

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

SB 1607 (Pr. No. 2025)—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—42

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

NAYS—7

Andrews,	Hess,	Myers,	Stapleton,
Ewing,	Kelley,	Snyder,	

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

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

SB 1608 (Pr. No. 2026)—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—42

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Fleming, Frame, Hager,	Hankins, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Moore, Murphy, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—7

Andrews, Dwyer,	Ewing, Hess,	Kelley, Myers,	Stapleton,
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A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

SB 1609 (Pr. No. 2027)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murphy, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—5

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

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

SB 1610 (Pr. No. 2028)—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—43

Ammerman,	Hankins,	Mellow,	Ross,
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Arlene, Bel' Cianfrani, Coppersmith, Dougherty, Duffield, Early, Fleming, Frame, Hager,	Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck, McKinney,	Messinger, Moore, Murphy, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—6

Andrews, Dwyer,	Ewing, Hess,	Kelley,	Myers,
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A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

SB 1611 (Pr. No. 2029)—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—46

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—3

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

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

SB 1612 (Pr. No. 2030)—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—46

Ammerman, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hess, Hill, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—3

Andrews,	Dwyer,	Kelley,
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A constitutional two-thirds majority of all the Senators

having voted "aye," the question was determined in the affirmative.

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

SB 1613 (Pr. No. 2031)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

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

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

HB 546 CALLED UP

HB 546 (Pr. No. 3501)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 15 of the Second Consideration Calendar by Senator NOLAN.

BILL REREFERRED

HB 546 (Pr. No. 3501)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

HB 748 CALLED UP

HB 748 (Pr. No. 3378)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 16 of the Second Consideration Calendar by Senator NOLAN.

BILL REREFERRED

HB 748 (Pr. No. 3378)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

RECONSIDERATION OF HB 2

BILL OVER IN ORDER ON FINAL PASSAGE

HB 2 (Pr. No. 3541)—Senator EWING. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2, Printer's No. 3541, failed of final passage on today's Calendar.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator EWING. Mr. President, I request that House Bill No. 2 go over in its order and appear on the Final Passage Calendar.

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

REPORTS FROM COMMITTEE

Senator MELLOW, by unanimous consent, from the Committee on Environmental Resources, reported, as committed, **HB 293, 1463 and 2464**; as amended, **SB 1248**.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator MURPHY submitted the Report of Committee of Conference on **SB 675**, which was placed on the Calendar.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator LYNCH submitted the Report of Committee of Conference on **HB 77**, which was laid on the table.

Senator MYERS submitted the Report of Committee of Conference on **HB 314**, which was laid on the table.

PERMISSION TO ADDRESS SENATE

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

Senator ZEMPRELLI. Mr. President, earlier in the day I was taking a bubble bath and I missed a few bills. In addition to attending a meeting at PennDOT, the combination of the two made it impossible for me to vote on several bills.

I would like the record to show that had I been present, I would have voted affirmatively on House Bill No. 65, Senate Bill No. 136, House Bill No. 305, House Bill No. 615, House Bill No. 694, Senate Bill No. 959, House Bill No. 1089, House Bill No. 1196, Senate Bill No. 1516, House Bill No. 1556, House Bill No. 1643 and House Bill No. 2294.

The PRESIDING OFFICER. The gentleman's remarks will be noted in the record.

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The recessed meeting of the Committee on Law and Justice will meet immediately upon recess in Room 168.

The meeting of the Committee on Rules and Executive Nominations scheduled for 12:00 will now convene at 2:00 o'clock.

The meeting of the Committee on State Government which was scheduled at 12:30 will convene immediately upon the recess in Room 350.

MEETING OF THE COMMITTEE ON APPROPRIATIONS

The PRESIDING OFFICER. The recessed meeting of the Committee on Appropriations will reconvene at 2:15 in the Appropriations room.

RECESS

Senator NOLAN. Mr. President, I request a recess of

the Senate until 4:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:00 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 2458 CALLED UP OUT OF ORDER

HB 2458 (Pr. No. 3454)—Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator NOLAN.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

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

On the question,

Will the Senate agree to the bill on third consideration? 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 are the same amendments we debated at length yesterday which provide that the Philadelphia port must be used if it is competitive in regard to total transportation costs and also not in conflict with any existing agreement in effect on the effective date of the act.

Mr. President, I ask the Members to support these amendments.

Senator CIANFRANI. Mr. President, no one is more elated or enthused over the fact that we are on the verge of getting a large Volkswagen plant here in Pennsylvania, particularly in western Pennsylvania. However, regarding the amendments, as a Philadelphian, in particular, representing a District which surrounds probably the largest port in the United States, I cannot, in all good conscience, vote for the amendments. I wanted to explain my reasons why I will be voting "no."

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

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

Senator COPPERSMITH. I will, Mr. President.

Senator DOUGHERTY. Mr. President, would the gentleman tell me, is there, to his knowledge, an agreement currently existing between Volkswagen and certain port facilities in the United States?

Senator COPPERSMITH. Mr. President, I was informed in caucus today by Mr. Brown that approximately two months ago Volkswagen, when they were not considering the New Stanton plant, entered into an agreement with the port facilities in Wilmington and Baltimore to handle shipments and that Wilmington was to handle the shipment of the fully completed automobiles, and that Baltimore would handle the shipment of parts.

Senator DOUGHERTY. Mr. President, would the gentleman then explain why he bothered to word the amendments to read, if all other things being equal, when he knows automatically by his statement that all other things cannot be equal; that, indeed, Volkswagen has entered into this agreement with Baltimore which is discriminatory against the Port of Philadelphia?

Senator COPPERSMITH. Mr. President, we were told the agreements were mid-term length agreements. The figure given to us, I think, was five years, and once those agreements expired then Philadelphia would receive the business if they were competitive.

Senator DOUGHERTY. Mr. President, would the gentleman tell me if he has any knowledge of the ingredients of the Volkswagen agreement with the Port of Baltimore? Specifically, he said it is supposed to last five years, but what is the penalty Volkswagen would suffer were they to ship through the Port of Philadelphia rather than through the Port of Baltimore.

Senator COPPERSMITH. Mr. President, Mr. Brown said he had not examined the agreement, but Volkswagen had just told him—and this is what he related to me—that they would suffer a severe penalty if they did not honor the agreement.

Senator DOUGHERTY. Mr. President, how can the gentleman expect us to vote against the Port of Philadelphia when the Administration sponsors of this package do not know what the agreement is which Volkswagen has with the Port of Baltimore?

Senator COPPERSMITH. Mr. President, if the gentleman will examine the wording of the amendments, they say that all things being equal, the Port of Philadelphia must be used except if the freight is transported pursuant to agreements in effect on the effective date of this act.

Therefore, if there are no agreements that would prohibit the City of Philadelphia from being used, then that clause in these amendments would not apply. The clause in these amendments only applies if Volkswagen shows that it has an effective agreement obligating itself to either Wilmington or Baltimore, and that agreement has penalties, so that it would not be competitive to use the Port of Philadelphia. It is up to Volkswagen to show the existence of this agreement to escape from the application of these amendments.

Senator DOUGHERTY. However, Mr. President, we have already been advised by the Administration that, indeed, Volkswagen has an agreement with the Port of Baltimore. Can the gentleman tell us for how many years? What is the penalty that Volkswagen would suf-

fer should it not use the Port of Baltimore, but rather ship through the Port of Philadelphia?

Senator COPPERSMITH. Mr. President, I cannot give a detailed answer. I can only say that Mr. Brown reported that Volkswagen said that they would be subject to severe penalties. I have no reason to believe that Volkswagen would be making an incorrect statement on such a sensitive and important issue that would be under discussion in this Chamber.

Senator DOUGHERTY. Mr. President, I thank the gentleman.

I would rise in very strong opposition to these amendments. It is quite clear that Volkswagen is out to make the very best deal that it possibly can. We are being asked to provide \$8.7 million to build railroad spurs to service, basically, the Port of Baltimore. Unless we can have some good concrete evidence to justify allowing the Port of Philadelphia to be discriminated against in favor of the Port of Baltimore, I see no reason for us to accept these amendments.

It seems obvious that we want the plant at New Stanton, we want the jobs for the Commonwealth and for southwestern Pennsylvania, but what are we going to lose? What will be the benefit to the Port of Baltimore by having all of this new business shipped through Baltimore rather than through the Port of Philadelphia? How many jobs, how much industry and business will the Port of Philadelphia suffer a loss for because we adopted amendments which were prejudicial to our own port in favor of the Port of Baltimore?

It seems to me, Mr. President, unless Volkswagen can present to us the documentation to show the kind of penalties they might suffer, that in the absence of this kind of evidence, we have an obligation to our own ports. Therefore, we should do that which is in the best interest of the Commonwealth of Pennsylvania. We should provide jobs for New Stanton, but we also should provide increased tonnage to the Port of Philadelphia.

Mr. President, I would strongly urge a "no" vote on these amendments.

Senator BELL. Mr. President, what has impressed me yesterday and today is that nobody in this Chamber knows what we are doing with respect to the Volkswagen deal. We had a very interesting half hour briefing this afternoon in the Republican caucus. We were handed a sheaf of papers one and one-quarter inches thick as to the backup documents between the Commonwealth of Pennsylvania and the Volkswagen group. I scanned these, and I asked a Mr. Brown, who speaks with great authority and had some assistants present who were expert lawyers, although one had only practiced law for five years and the other for seven, why the basic document between the Commonwealth of Pennsylvania and Volkswagen was not in this package. As I recall, Mr. Brown said there is no agreement. I may be wrong in my memory, but I know it is not in here.

However, there is something in here, and I do not think my friend, the gentleman from Cambria, Senator Coppersmith, has even been given the full information by the Administration, because in this package is a four-page memorandum of understanding between the Commonwealth of Pennsylvania, the B&O Railroad and the Norfolk and Western Railroad. I do not know why Norfolk and Western comes in unless they have taken over the B&O as it goes to the west. I note this has not been

executed by the Commonwealth, but it has been approved as to legality and form by an assistant attorney general, whose name I cannot decipher, and signed by the Norfolk and Western Railroad, signed by the B&O Railroad, and this is what is going to really startle my good friend, the gentleman from Cambria, Senator Coppersmith. Do you know this is to remove freight from the Volkswagen plant for the next thirty years, and it is to move approximately 30,000 loaded revenue railroad car movements per year?

Now, 30,000 cars, even with the longest trains of a hundred cars per train, this means 300 trains or maybe more. In other words, more than one train a day.

As my colleagues from Philadelphia on both sides of the aisle have said, we are seeing a tremendous amount of money—and this document calls for State money of \$8.7 million about to be spent. I think we should have all these answers before we vote on any of the bills in the Volkswagen package.

I will support jobs for western Pennsylvania, north-eastern Pennsylvania, northwestern Pennsylvania, Philadelphia, my own county or any place in this Commonwealth, but I cannot see voting to move the traffic in and out of the Volkswagen plant over Norfolk and Western and B&O benefiting the Port of Baltimore and probably the Port of Norfolk according to this, because I think the Norfolk and Western does go to Norfolk.

However, nobody knows the answers. Why can we not have the answers, then vote on the issues?

Therefore, today I am supporting my friends from Philadelphia, and I will vote "no" on these amendments.

Senator DUFFIELD. Mr. President, the answer to the Norfolk and Western Railway was covered in caucus by Mr. Brown. He said the majority of the parts necessary for the Volkswagen plant in New Stanton was to come from Michigan, that this railroad is the principal means of communication between Michigan and New Stanton. The B&O runs to Baltimore and the extension of Norfolk and Western has nothing to do whatsoever with the linkup to the Baltimore port. If the gentleman from Delaware, Senator Bell, has that much interest, he should have asked Mr. Brown that question in caucus. We, in our caucus, tried to resolve these questions. Norfolk and Western is not benefiting Wilmington, it is not benefiting Baltimore, because they do not even go in there. It is to bring the bulk of the parts from Michigan to New Stanton and to ship other parts west because they are the principal means of transportation west of New Stanton.

Mr. President, as to the great hue and cry over the Port of Philadelphia, Mr. Brown also explained that there are only a few crates a day that will be involved, that it would amount to no more than ten containers a day coming into any port whether it was Philadelphia, Baltimore or Wilmington. Ten crates a day would not have any significant effect upon the economy of the Port of Philadelphia. If the Philadelphia port is so dependent upon ten crates a day, they had better get out of business.

Mr. President, we need this plant in western Pennsylvania. It is also estimated by Mr. Brown that through increased tax, increased revenue, over a period of thirty years or twenty years, they would pay into the Commonwealth of Pennsylvania, \$1 billion. In those figures he did not take into consideration the number of people it would take off the welfare rolls in western Pennsylvania and also save money there.

Mr. President, I think it is tragic that we in an area that is crying for industry, the whole picture of a new industry coming into western Pennsylvania, providing 5,000 jobs, might possibly be thwarted by the fact that the great Port of Philadelphia is losing ten crates a day in shipment of parts into that port. It would be a terrible thing to the economy of Pennsylvania. We do not believe in sectionalism or anything of that sort. This morning we voted \$240 million in nonpreferred bills, most of them going to Philadelphia, to colleges I never even heard of.

So, Mr. President, we ask that you try to help us and that you do not thwart this whole picture of industry in Pennsylvania over a provincial matter of the Port of Philadelphia.

Senator SMITH. Mr. President, I rise to oppose these amendments. In answer to the gentleman from Fayette, Senator Duffield, I think conversely, it works against Volkswagen. If they are going to pay a penalty just on ten containers, I think they are in worse shape than Philadelphia.

Senator BELL. Mr. President, what the gentleman from Fayette, Senator Duffield, said is exactly to the point. Mr. Brown tells us that they will move ten containers a day, or something like that, but I have in my hand the agreement, and this is on page 2, section 3, where it says, "The exact lease fee set by the parties will be such as to repay to the Commonwealth over thirty years the cost of property acquisition and construction of the spur and support yards and the Commonwealth's interest expense for borrowing such funds based on approximately 30,000 loaded revenue railroad car movements per year."

Mr. President, where are they going to ship stuff to? Where is it going to come from? They are talking about 30,000 loaded freight cars each year, not ten containers a day.

Senator DOUGHERTY. Mr. President, in response to the gentleman from Fayette, Senator Duffield, I would have to say to him the same thing I said in our caucus: That is, who are they kidding? They say ten crates a day. It is my understanding they are talking about producing 200,000 cars a year, or assembling 200,000 cars a year at the New Stanton plant and they are shipping in engines and trans-axle assemblies. Now if you can get engines and trans-axle assemblies into ten crates a day, I think you are doing very well for 200,000 automobiles.

Mr. President, the point I want to make on these amendments is that we have not been told the information. What is the loss to Pennsylvania by allowing Volkswagen to use the Port of Baltimore? You should be aware that the Port of Baltimore and the Port of Philadelphia are very competitive as far as shipments coming into this country from overseas. What I would like to know and what we have not been told, and the reason why these amendments should not go in, is what is the penalty to Volkswagen if they use the Port of Philadelphia and what is the loss of revenue to the Commonwealth because we have allowed them an exclusive right to the Port of Baltimore?

I would like a roll call vote, Mr. President, on the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—33

Ammerman, Andrews, Coppersmith, Duffield, Early, Ewing, Hager, Hess, Hill,	Howard, Jubelirer, Kelley, Lewis, Lynch, Manbeck, McKinney, Mellow,	Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Reibman, Romanelli, Ross, Scanlon, Stapleton, Stauffer, Zemprelli,
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NAYS—15

Bell, Cianfrani, Dougherty, Dwyer,	Fleming, Frame, Hobbs, Holl,	Kury, Lentz, Smith, Snyder,	Sweeney, Tilghman, Wood,
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So the question was determined in the affirmative, and the amendments were agreed to.

The PRESIDENT pro tempore. House Bill No. 2458 will go over, as amended.

HB 2456 CALLED UP

HB 2456 (Pr. No. 3351)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 14 of the Third Consideration Calendar by Senator NOLAN.

BILL OVER IN ORDER

HB 2456—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

HB 2457 CALLED UP

HB 2457 (Pr. No. 3453)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 14 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AMENDED

HB 2457 (Pr. No. 3453)—Considered the third time,

On the question,

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

Amend Sec. 1, page 2, line 2 by striking out "\$26,914,000" and inserting: \$29,823,000

Amend Sec. 1, page 2, lines 8 through 24 by striking out all of said lines and inserting:

Mount Pleasant Branch of the Baltimore & Ohio Railroad at Mount Pleasant to a site in East Huntingdon Township, Westmoreland County, Pennsylvania; and the construction of rail yards at the terminus of the spur in East Huntingdon Township, Westmoreland County, Pennsylvania \$9,694,000
(Base Project Allocation ..\$8,430,000)

Amend Sec. 2, page 3, line 11 by striking out "\$26,914,000" and inserting: \$29,823,000

Amend Sec. 5, page 4, line 2 by striking out "\$26,914,000" and inserting: \$29,823,000

On the question,

Will the Senate agree to the amendments?

Senator KELLEY. Mr. President, very briefly, this language change is necessary from the ConRail section that was originally intended to go over to the spur line from Mount Pleasant of the Norfolk and Baltimore and Ohio Railroads. Because of the bankruptcy proceedings of ConRail and Penn Central, they were unable to give

the terms of commitment per car reimbursement for payment over the period of use for twenty years and, likewise, the land acquisition would be more expensive. That is the reason for the amendments.

Mr. President, I urge my colleagues to vote in the affirmative.

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

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

Senator KELLEY. I will, Mr. President.

Senator TILGHMAN. Mr. President, could the gentleman tell me the dollar figure that is in these amendments, the appropriation for the cost of this spur?

Senator KELLEY. The total amount, Mr. President, is \$9,694,000.

Senator TILGHMAN. Thank you, Mr. President. I just wanted to check. That is the figure I had.

These amendments and the previous amendments, which necessitate these amendments as I told you yesterday, would carry an appropriation and this is an additional appropriation for this whole package of \$9 million plus.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

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

HB 175 CALLED UP OUT OF ORDER

HB 175 (Pr. No. 3482)—Without objection, the bill was called up out of order, from page 1 of the Calendar under Conference Report, by Senator NOLAN.

BILL OVER IN ORDER

HB 175 (Pr. No. 3482)—Senator NOLAN. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 175, entitled:

An Act amending the "Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the office of Consumer Advocate in the Department of Justice for a limited period; and imposing powers and duties and making an appropriation.

On the question,

Will the Senate agree to the motion?

Senator EWING. Mr. President, I was one of the conferees on this bill, and I did sign the Conference Committee report. Although I did vote for the bill when it left the Senate before going to the Conference Committee, I intend to vote in the negative on this report because of a number of reasons; some I have expressed previously, some reasons I have expressed to the Committee on Consumer Affairs, which has had custody of this bill. However, I would like to quote from an article which appeared in Sunday's Pittsburgh Press, which says pretty much what I have been saying all along about the need for this legislation.

This article was written by John Taylor, Press staff writer, and the heading on the article is, "Watchdog's Watchdog?" and, I quote from the article:

"In 1937, the legislature created the Public Utility Commission to protect the public from utilities.

"Now, 39 years later, we're told we need an Office of

Consumer Advocate to protect the public from the PUC. A new watchdog to watch the old one."

I am not going to read the article in its entirety, Mr. President, in the interest of time, but I would like to quote some other passages of this interesting article.

To quote again, "Proponents of the legislation argue that the consumer is entitled to a voice before the PUC when utilities come in seeking higher electric, gas, telephone and water rates.

"No one can disagree with that. But why do we need a new level of bureaucracy to do the job that the PUC was created to do four decades ago?

"'But the PUC has not done the job,' goes up the cry of consumer groups. 'The PUC is more interested in the welfare of the utilities than in the well-being of the rate payers.'

"If that's true, then what we must do is reform the PUC.

"As a matter of fact, we have made a lot of changes in the commission within the last year.

"For one thing, we have two new commissioners, including economist Helen O'Bannon of Pittsburgh, who just may be the best thing that has happened to the PUC in many years.

"Mrs. O'Bannon is the first woman to be appointed to the PUC and one of the few commissioners to have gotten her job on the basis of her qualifications rather than her politics.

"And the legislature currently is considering a package of bills all designed to reshape the PUC's internal operations and put the agency back on the track of serving the consumer.

"In short, if we have a PUC that's doing the job it was set up to do, we don't need a consumer advocate. But alas, it looks like we are going to get one—with the taxpayer footing the bill."

I might add, Mr. President, that the majority, at least on the Conference Committee, put a \$250,000 appropriation in this bill, which had been previously taken out by the Senate Committee on Appropriations; there were those among the conferees who supported putting the appropriation in who admitted that this amount would be inadequate, and I am sure that we will find that is a true statement. It will be very inadequate to create this new level of bureaucracy.

I had a great deal to do, along with the gentleman from Northumberland, Senator Kury, and other members of the Committee on Consumer Affairs, in working on those reform bills last year. We spent approximately nine months on those bills to reform this Commission. Those bills have come out of committee in the House, they are being considered over there; but what I am suggesting, Mr. President, is that we should allow time so that the reform in these bills can be put into motion and it becomes evident that the PUC Commissioners are very much aware of these bills, and, as a matter of fact, have on their own initiative, adopted some of the provisions in this legislation.

So what I am saying, Mr. President, is that we should defeat this bill, this Conference Committee report, at this time. We should wait, we should see how the Commission operates. If it does appear that they are doing a good job, if it does appear that they are functioning in the best interest of the consumers of Pennsylvania, we should wait until those bills now in the House are adopted

and put into effect and then, if we find out at some later date that we really need this new level of bureaucracy, that we need a consumer advocate to represent the consumer interest before that Commission, then we should take appropriate action, but not now.

Mr. President, I would urge my colleagues to vote "no" on the Conference Committee report on House Bill No. 175.

Senator KURY. Mr. President, the gentleman from Allegheny, Senator Ewing, and I serving on the committee had a substantial amount of agreement on the reform of the Public Utility Commission. This issue represents one of the relatively few areas on which we have a strong personal disagreement. But I must say that I must take issue with my good friend, the gentleman from Allegheny, Senator Ewing. I think he and Mr. Taylor, the author of the article he quotes, labor under a misconception as to what is the role of the Public Utility Commission in acting on utility rate increase applications.

It seems to me that the conception is somehow that the PUC can be both the judge and an advocate before the Commission, that the PUC can be both impartial in reviewing the application and still represent, in effect, a party to the case. I think that misconception has been around for a long while, and I think it is a misconception we must straighten out and correct.

The fact is that the PUC or any other body which serves in a judicial or semi-judicial capacity can serve both as a judge of the case presented to it and an advocate for one of the parties to the case. That is what we recognize with this bill, with this Conference Committee report, that the public which is not ordinarily represented before the PUC ought to have somebody there in an adversary capacity on its behalf.

Let me tell you what we are up against, Mr. President. For example, when Philadelphia Electric went before the PUC for its last rate increase application, they were represented by the blue chip Philadelphia law firm of Morgan, Lewis & Bockius, one of the finest law firms of the Eastern Coast and all of Pennsylvania. They were paid \$200,000 to prepare their case and argue it for Philadelphia Electric. Who was there for the residential user, for the small businessman or the farmer? How many of those people can afford Morgan, Lewis & Bockius, or any other lawyer, to go in there on its behalf and to question the case presented on behalf of Philadelphia Electric?

Mr. President, that is one of the fundamental things wrong with the PUC. For thirty years they have been listening to utility lawyers argue the case and have nobody there on behalf of the residential user, the small businessmen or the farmers. The big corporations can afford counsel, but nobody else can. If they do get a local lawyer, he probably does not know anything about utility laws which is highly specialized and a very technical subject.

Mr. President, this bill is a limited attempt, but I think a significant attempt, to see that in any major rate increases the PUC hears not only from the utility counsel but also from a staff of people representing the public at large, the small businessmen, the farmers and the residential users. This is an attempt to have a truly adversary proceeding in front of an impartial, in effect, court which has to decide the case in the broad public interest. In that sense, the PUC protests the public interest.

Mr. President, I noted the remarks of the gentleman

from Allegheny, Senator Ewing, and Mr. Taylor's remarks about a new level of bureaucracy. I would point out that this bill has in it, in the last section, that this law expires three years from the day we pass it. This is an historic bill. This is the first sunset law in the history of Pennsylvania. We are going to force ourselves in the Legislature to come back in three years and re-examine this new bureau, this advocate, to see that it is doing the job. If it is not and if we do not extend its life, it dies in three years. So, we do have tight legislative control over what is being done here.

Therefore, Mr. President, I think this bill is a firm, limited step to give the PUC what it has long needed and that is effective public representation in an adversary situation, something that has long been missing. I would, therefore, respectfully urge Members on both sides of the aisle to vote "yes" on the Conference Committee report.

Senator EWING. Mr. President, the gentleman from Northumberland, Senator Kury, seems to overlook the package of bills which were previously referred to, now in the House of Representatives, and all the work which we did on those bills. He cites a particular case, a Philadelphia Electric rate case, as an example of the Commission being in a position where they cannot or could not compete effectively with that particular utility.

Yet, the bills which are now in the House were designed to improve the effectiveness and the competitiveness of the Commission in beefing up the staff, of creating administrative law judges, so that they would be in a competitive position, so that they could deal more effectively with the utilities and more adequately represent the consumers of Pennsylvania.

What I am suggesting is that we wait to find out if we really need this new level of bureaucracy. We really need a consumer advocate. We looked into the rate making proceedings in other states and other commissions. We found in California, for instance, that the consumer advocate is kind of built in through the Commission, and it seems to be working very well in California. I think it could work well here if we give it a chance. That is all I am asking.

Again, Mr. President, I urge a negative vote on House Bill No. 175.

Senator JUBELIRER. Mr. President, I rise to oppose the adoption of the Conference Committee report. There are things which have been taken out of that version as adopted by the Senate which I think are significant.

The amendment by the gentleman from Philadelphia, Senator McKinney, which would have made the confirmation procedure a two-thirds vote by the Senate has been stripped and, in its place, a majority of the Senate voting will now act on the consumer advocate. In addition, Mr. President, an agreed-upon amendment which I had introduced which would have prevented duplication where one party used the consumer advocate and was turned down, they could not go back in individually over and over again to receive a hearing by the Public Utility Commission, has been stripped from the bill.

So, in effect, any one who is disenchanted with the decision of the PUC who uses the consumer advocate can still go back time after time after time and again be turned down and continue to go back.

Mr. President, I agree with the comments of my colleague, the gentleman from Allegheny, Senator Ewing, that if we give the reform bills a chance to operate, we

would not need to operate under a sunset situation. There is no need to create an additional bureaucracy where it is not needed.

I think that the opportunity to wait for Senate Bill No. 1216 and Senate Bill No. 1217 to operate would do away with the need for this. We have the reforms in there. We have created additional funds for the Commission to staff itself so that they can meet the utilities on an even-handed basis. I do not think we need to assume any more that the Public Utility Commission will be without adequate representation. I think it obviously has it, and there will be funding for it.

We have in there a provision for third party contacts, so that those who are not able to be notified of a shut-off will have an opportunity to have a community action agency or the like, or the police department to act for them. This has already been adopted as a regulation of the Commission. Administrative law judges are in it. There is a tremendous cost and \$250,000 is not even beginning to be realistic. There is no need to create a new bureaucracy when we have already done what needs to be done.

I think, Mr. President, instead of having a three year expiration period, we, at least, ought to give the laws that are now reported out of committee in the House, an opportunity to act and, perhaps, three years from now we will decide that we do or we do not need it. However, I do not think we ought to create the potential double taxation on the people with their utility bills and the additional taxes it is going to take to feed the insatiable appetite of a new bureaucracy.

REQUEST FOR BILL OVER IN ORDER

Senator CIANFRANI. Mr. President, to avoid further confusion, there has been a slight mixup regarding this bill. Apparently my office gave the wrong information to the gentleman from Northumberland, Senator Kury.

At this time I would request that the bill go over in its order, and we will resolve it Monday or Tuesday.

The PRESIDENT pro tempore. The Chair hears no objection, and the bill will go over in its order.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 159 (Pr. No. 2045)—Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 159.

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—34

Arlene, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Ewing, Fleming, Frame,	Hankins, Hill, Hobbs, Holl, Howard, Kelley, Lewis, Lynch, McKinney,	Mellow, Messinger, Murray, Nolan, Noszka, O'Pake, Reibman,	Romanelli, Ross, Scanlon, Smith, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—14

Ammerman, Andrews, Bell, Hess,	Jubelrirer, Kury, Lentz, Manbeck,	Moore, Murphy, Myers,	Snyder, Stapleton, Stauffer,
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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.

SB 493 (Pr. No. 1749)—Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 493.

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—39

Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Ewing, Fleming, Hankins, Hess,	Hill, Hobbs, Holl, Howard, Kury, Lentz, Lewis, Lynch, McKinney, Mellow,	Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Romanelli,	Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Zemprelli,
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NAYS—9

Ammerman, Andrews, Dwyer,	Frame, Jubelrirer,	Kelley, Manbeck,	Reibman, Wood,
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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.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 935 (Pr. No. 2066)—Senator NOLAN. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 935, 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 954 (Pr. No. 1943)—Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 954.

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—47

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming,	Frame, Hankins, Hess, Hill, Hobbs, Holl, Howard, Jubelrirer, Kelley, Kury, Lentz, Lewis,	Lynch, Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Reibman, Romanelli, Ross, Scanlon, Smith, Stapleton, Stauffer, Sweeney, Tilghman, Zemprelli,
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NAYS—2

Snyder,	Wood,
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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.

SB 1268 (Pr. No. 2032)—Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1268.

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—49

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

NAYS—0

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

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

SB 1542 (Pr. No. 2068)—Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1542.

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—49

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

NAYS—0

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

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

FINAL PASSAGE CALENDAR

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 856 (Pr. No. 3496)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—2

Andrews, Dwyer,

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.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1509—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

HB 649 CALLED UP

HB 649 (Pr. No. 2631)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 649 (Pr. No. 2631)—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,
Cianfrani,	Holl,	Moore,	Smith,
Coppersmith,	Howard,	Murphy,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Duffield,	Kelley,	Myers,	Stauffer,
Dwyer,	Kury,	Nolan,	Sweeney,
Early,	Lentz,	Noszka,	Tilghman,
Ewing,	Lewis,	O'Pake,	Wood,
Fleming,	Lynch,	Orlando,	Zemprelli,
Frame,			

NAYS—0

A constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

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

SB 994 CALLED UP

SB 994 (Pr. No. 2039)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 994 (Pr. No. 2039)—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,	Hankins,	Manbeck,	Reibman,
Andrews,	Hess,	McKinney,	Romanelli,
Arlene,	Hill,	Mellow,	Ross,
Bell,	Hobbs,	Messinger,	Scanlon,
Cianfrani,	Holl,	Moore,	Smith,
Coppersmith,	Howard,	Murphy,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Duffield,	Kelley,	Myers,	Stauffer,
Dwyer,	Kury,	Nolan,	Sweeney,
Early,	Lentz,	Noszka,	Tilghman,
Ewing,	Lewis,	O'Pake,	Wood,
Fleming,	Lynch,	Orlando,	Zemprelli,
Frame,			

NAYS—0

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

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

SB 1189 CALLED UP

SB 1189 (Pr. No. 2054)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND FINAL PASSAGE

SB 1189 (Pr. No. 2054)—Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MESSINGER. Mr. President, I move that Senate Bill No. 1189 revert to the form it was in under Printer's No. 1422.

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

The PRESIDENT pro tempore. The Senate now has before it Senate Bill No. 1189, Printer's No. 1422.

On the question,
Will the Senate agree to the bill on third consideration?
It was 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,
Cianfrani,	Holl,	Moore,	Smith,
Coppersmith,	Howard,	Murphy,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Duffield,	Kelley,	Myers,	Stauffer,
Dwyer,	Kury,	Nolan,	Sweeney,
Early,	Lentz,	Noszka,	Tilghman,
Ewing,	Lewis,	O'Pake,	Wood,
Fleming,	Lynch,	Orlando,	Zemprelli,
Frame,			

NAYS—0

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

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

SB 1340 CALLED UP

SB 1340 (Pr. No. 1931)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 12 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1340 (Pr. No. 1931)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Stauffer,

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

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

SB 1431 CALLED UP

SB 1431 (Pr. No. 1781)—Without objection, the bill,

which previously went over in its order temporarily, was called up, from page 12 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1431 (Pr. No. 1781)—Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Wood,

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

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

SB 1466 CALLED UP

SB 1466 (Pr. No. 1857)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 12 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1466 (Pr. No. 1857)—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—40

Arlene, Cianfrani, Coppersmith, Duffield, Dwyer, Early, Ewing, Fleming, Frame, Hankins, Hill, Hobbs, Holl, Howard, Kelley, Kury, Lentz, Lynch, Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, Orlando, Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Sweeney, Tilghman, Wood, Zemprelli,

NAYS—9

Ammerman, Andrews, Bell, Dougherty, Hess, Jubelirer, Lewis, O'Pake, Stauffer,

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 1642 CALLED UP

HB 1642 (Pr. No. 2797)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 13 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 1642 (Pr. No. 2797)—Considered the third time and agreed to,

On the question, Shall the bill pass finally?

Senator MESSINGER. Mr. President, this bill increases the amount of money that compensates victims of bear damage from \$7,500 to \$25,000. I do not know who is going to get paid for this but it seems to me like this \$25,000 is an awful lot of bear damage. They must practically tear the house down. I really believe this is just too much of an increase, even considering inflation. Mr. President, I intend to vote against this bill.

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—15

Ammerman, Andrews, Coppersmith, Dwyer, Frame, Hess, Hobbs, Holl, Jubelirer, Manbeck, Moore, Murphy, Murray, Myers, Noszka,

NAYS—34

Arlene, Bell, Cianfrani, Dougherty, Duffield, Early, Ewing, Fleming, Hankins, Hill, Howard, Kelley, O'Pake, Kury, Lentz, Lewis, Ewing, Fleming, Lynch, McKinney, Mellow, Messinger, Nolan, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,

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

HB 2123 CALLED UP

HB 2123 (Pr. No. 2752)—Without objection, the bill, which previously went over in its order temporarily was called up, from page 13 of the Third Consideration Calendar by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question, Shall the bill pass finally?

Senator DOUGHERTY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan. The PRESIDENT pro tempore. Will the gentleman

from Allegheny, Senator Nolan, permit himself to be interrogated?

Senator NOLAN. I will, Mr. President.

Senator DOUGHERTY. Mr. President, I have some misconceptions about this bill and I wonder whether the gentleman from Allegheny, Senator Nolan, could explain it to me. The bill reads very simply that: "For payments to school districts and intermediate units on account of pupil transportation; including nonpublic and hazardous pupil transportation, \$26,000,000."

My question is, are we taking funds that have been designated for nonpublic school transportation under Act 372 and putting it all into one bailiwick for pupil transportation? I just do not know and that is why I am really asking.

Senator NOLAN. Mr. President, at the present time there is a shortage of funds for the busing of schoolchildren in the general appropriations bill and there is an excess of moneys in the Federal revenue sharing funds, so what we are doing with this bill is transferring enough money from Federal revenue sharing funds into the general appropriation to provide payment for the busing that is necessary throughout the State.

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—49

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

NAYS—0

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

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

SB 121 CALLED UP

SB 121 (Pr. No. 2049)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 14 of the Second Consideration Calendar by Senator NOLAN.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 121 (Pr. No. 2049)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1579 CALLED UP

SB 1579 (Pr. No. 1996)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 14 of the Second Consideration Calendar by Senator NOLAN.

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

SB 1579 (Pr. No. 1996)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 290 CALLED UP

HB 290 (Pr. No. 3477)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 15 of the Second Consideration Calendar by Senator NOLAN.

BILL OVER IN ORDER

HB 290—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

HB 596 CALLED UP

HB 596 (Pr. No. 3133)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 16 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 596 (Pr. No. 3133)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 600 CALLED UP

HB 600 (Pr. No. 3473)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 16 of the Second Consideration Calendar by Senator NOLAN.

BILL OVER IN ORDER

HB 600—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

SB 903 CALLED UP

SB 903 (Pr. No. 2052)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 16 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 903 (Pr. No. 2052)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1078 CALLED UP

HB 1078 (Pr. No. 3502)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 16 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1078 (Pr. No. 3502)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1170 CALLED UP

SB 1170 (Pr. No. 2034)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 17 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1170 (Pr. No. 2034)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1172 CALLED UP

SB 1172 (Pr. No. 1913)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 17 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1172 (Pr. No. 1913)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1310 CALLED UP

HB 1310 (Pr. No. 3474)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 17 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1310 (Pr. No. 3474)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1363 CALLED UP

SB 1363 (Pr. No. 1659)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 18 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1363 (Pr. No. 1659)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1413 CALLED UP

SB 1413 (Pr. No. 1744)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 18 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1413 (Pr. No. 1744)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1435 CALLED UP

SB 1435 (Pr. No. 1789)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 18 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1435 (Pr. No. 1789)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1465 CALLED UP

SB 1465 (Pr. No. 1970)—Without objection, the bill, which previously went over in its order temporarily, was

called up, from page 18 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION
AMENDED AND RECOMMITTED

SB 1465 (Pr. No. 1970)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator KELLEY offered the following amendments:

Amend Title, page 1, line 10, by inserting after "district," one additional law judge of the court of common pleas of the tenth judicial district,

Amend Sec. 1, page 2, line 12, by inserting after "County," one additional law judge for the court of common pleas of the tenth judicial district (Westmoreland County),

Amend Sec. 2, page 3, line 15, by inserting after "district," where it appears the first time: the tenth judicial district,

Amend Sec. 2, page 4, line 2, by inserting after "district," one competent person learned in the law to serve as additional law judge of the court of common pleas of the tenth judicial district,

Amend Sec. 3, page 4, line 30, by inserting after "district," one competent person learned in the law to serve as additional law judge of the court of common pleas of the tenth judicial district,

On the question,

Will the Senate agree to the amendments?

Senator KELLEY. Mr. President, basically these amendments call for the addition of the Tenth Judicial District, comprising Westmoreland County, for an additional judgeship to the Court of Common Pleas. I served on the committee which studied this bill and the bill that was on the Calendar previously, and the tests and standards that have been applicable in the determination of the number of judgeships to the Courts of Common Pleas have been made in this bill and most of the standards have been applicable by the legislative standards in the past. Westmoreland County by population and case load is equally as deserving of a judgeship as those that are in this bill presently, except for the first judgeship for Lancaster County.

Senator SNYDER. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Kelley. The PRESIDENT pro tempore. Will the gentleman from Westmoreland, Senator Kelley, permit himself to be interrogated?

Senator KELLEY. I will, Mr. President.

Senator SNYDER. Mr. President, I believe there was a hearing on March 22nd, at which representatives of the various counties which were interested in having new judges appeared.

Am I not correct that Westmoreland County did not appear at that hearing?

Senator KELLEY. Mr. President, the gentleman is not correct. Westmoreland County was represented at the hearing if the date is correct, in my recollection, by the Honorable Gilfert Mihalich, one of the judges of the court.

Senator SNYDER. Mr. President, did the judge who appeared testify for another judge for Westmoreland County?

Senator KELLEY. Yes, Mr. President, he did. He stressed the case load he was particularly experiencing.

He was, in my opinion, rather charitable in the sense that he did not want to pass judgment because he felt that it would not be right for him to say how hard the other judges worked because he knew that he was busy. But I can attest personally, being a member of the Bar of the Tenth Judicial District, that the other judges work every bit as hard as most judges do in the Commonwealth.

Senator SNYDER. Mr. President, does the gentleman remember the testimony of the State court administrator at that hearing?

Senator KELLEY. Mr. President, I have some recollection, yes.

Senator SNYDER. Mr. President, does the gentleman remember what he testified to, if anything, with respect to Westmoreland County?

Senator KELLEY. Well, Mr. President, the court administrator, to my recollection, testified that he would only present statistics at various times for some of the requests that had been made for judgeships. He did not say, in any way or form, that Westmoreland County did not need another judgeship. He may have been rather reserved about saying and giving an opinion as to whether or not, in his opinion, it needed one, but that same gentleman to whom you refer failed to provide the information to that same committee about the two judgeships for Lancaster County in assigning a priority of need. He was asked to give a priority for the second judgeship for Lancaster County, which he never did, but the committee still went ahead and gave Lancaster County the second judgeship. I do not disagree with that decision, by the way, Mr. President.

Senator SNYDER. Mr. President, would the gentleman say I was wrong if I said that on the basis of case load, as computed by the State administrator's booklet, Westmoreland County ranks twenty-fourth in basis of cases per judge?

Senator KELLEY. Mr. President, if we take the statistics as given by that particular study and look at it, examine it and evaluate it with the facts given to us—the same standards of determination were not used with uniformity throughout judicial districts—I can agree with him.

Senator SNYDER. Mr. President, this is an obvious political dilemma for anybody representing a county that very much needs judges and needs them immediately. I do not want to detract from the belief that perhaps Westmoreland could use another judge, but I think we must all consider whether this is a good way to select counties for additional judgeships. It certainly seems we are almost necessarily guided by political instincts rather than by any abstract determination, and this kind of a system should certainly be ended.

I am not going to oppose the gentleman's amendments. The truth is, Westmoreland is not at the bottom of the list of need by any means and even though I do not think the case is very well proven, in the interest of getting a bill and getting it fast, which is certainly very much needed in my County of Lancaster and I believe in a few others, we should certainly expedite this all we can.

Senator CIANFRANI. Mr. President, at the outset when this bill was drafted, I think that it was in the proper committee, that being the Judiciary Committee; they had extensive hearings and the gentleman from

Philadelphia, Senator Hill, explained to me that at that time and place they placed the proper amount of judges according to ratio and population. After that, as you all know, it being the procedure in the Senate, because of the cost factor, the bill was sent to the Committee on Appropriations of the Senate. I could not preclude anyone from appearing before that committee and offering amendments to include further judges or decide to take some out. At that time I think we did entertain some motions for additional judges; I do not recall which ones were accepted and which ones were rejected. I was somewhat criticized, rightfully so, that the Committee on Appropriations was not the ground to decide whether additional judges should be put in the counties. I wholeheartedly concur with that. We do not have the expertise and the Committee on Appropriations is there mainly to find the cost factors.

However, Mr. President, I know no better place than here on the floor of the Senate for someone to expound his wishes and to give the necessary figures. I would have to vote with the gentleman mainly on the assumption that he is more familiar with the traffic in the courts of Westmoreland County than I am. I do know that I am somewhat concerned with the statement of the gentleman from Lancaster, Senator Snyder, regarding the bill becoming a Christmas tree. However, who am I or anyone in particular unless we have those facts and figures to say that there should not be an additional judge?

Mr. President, with that in mind, I will bow to my colleague and I will go along with his wish and I will vote for these amendments.

And the question recurring,
Will the Senate agree to the amendments?
They were agreed to.

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

Senator ROMANELLI offered the following amendments:

Amend Title, page 1, lines 4 and 5, by striking out "FOUR ADDITIONAL LAW JUDGES OF THE COURT OF COMMON" in line 4 and "PLEAS OF THE FIFTH JUDICIAL DISTRICT," in line 5

Amend Sec. 1, page 2, lines 4 through 6, by striking out "FOUR ADDITIONAL" in line 4, all of said line 5 and "DISTRICT (ALLEGHENY COUNTY)," in line 6

Amend Sec. 2, page 3, line 13, by striking out "THE FIFTH JUDICIAL DISTRICT,"

Amend Sec. 2, page 3, lines 24 through 26, by striking out "FOUR COMPETENT PERSONS LEARNED IN THE LAW TO" in line 24, all of said line 25 and "THE FIFTH JUDICIAL DISTRICT," in line 26

Amend Sec. 3, page 4, lines 23 through 25, by striking out "FOUR COMPETENT PERSONS" in line 23, all of said line 24 and "COURT OF COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT," in line 25

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

Senator ROMANELLI. Mr. President, my amendments simply strike out the four judges intended for Allegheny County. At this time Allegheny County certainly cannot afford four new judges. We do not have the space

for them. The Commissioners would have to go out and rent space. It would be a cost of \$60,000 to \$70,000 per judge to the County. It would cost \$10,000 initially just for office equipment for the new judges.

The Commissioners are already talking about raising the taxes in Allegheny County next year. What the millage increase will be I do not know, but there has been no proven need for these four additional judges in Allegheny County.

Mr. President, I am asking that we reduce this number by four in these amendments, striking out those in the Fifth Judicial District.

Senator EWING. Mr. President, I would like to support my colleague, the gentleman from Allegheny, Senator Romanelli, in his amendments. As a matter of fact, I have the same amendments on my desk. I agree with him that the need for these judges in Allegheny County has just not been justified. The space is not available for them for their courtrooms or offices. It will involve significant additional expense to the County.

At least some of the Commissioners have voiced their objections to the addition of four judges to the thirty-nine which we have in the County at the present time. It has also been suggested that although we do have some very fine distinguished judges in the County, that if a few of them would work a little bit harder and spend a little more time on the Bench doing their job, it would not be necessary to add these four judges to the thirty-nine we already have.

Mr. President, I would urge my colleagues to support the gentleman from Allegheny, Senator Romanelli, and myself in adopting these amendments to delete those four judges for Allegheny County.

Senator NOLAN. Mr. President, the four judges for Allegheny County were placed in this bill by an amendment offered by myself. The President Judge of Allegheny County made the request for four additional judges. There is a dispute as to whether or not the space is available. The President Judge says that the space is available. He said that he has talked to the Commissioners. The Commissioners have not contacted me in reference to the addition of four judges.

All I know is what I read in the newspaper, that the President Judge did meet with the Commissioners and one of the Commissioners opposes the addition of four.

I have to concur with the method by which judges were appropriately put into the bill that is presently on the Calendar, on the number of bodies that are being serviced within a judicial area. When we look at it that way, we find that in this bill are four additional judges for Philadelphia which already has sixty-seven judges and they service two million people. In Allegheny County we have one million, seven hundred thousand people, and we have thirty-nine judges to serve those people.

If the figures are correct, we certainly need the four new judges in Allegheny County, and I ask for the defeat of these amendments.

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

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

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

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

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

YEAS—28

Ammerman, Andrews, Bell, Dougherty, Duffield, Early, Ewing,	Fleming, Frame, Hager, Hess, Hobbs, Holl, Howard,	Jubelirer, Manbeck, Messinger, Moore, Murphy, Noszka, Romanelli,	Scanlon, Snyder, Stapleton, Stauffer, Tilghman, Wood, Zemprelli,
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NAYS—18

Cianfrani, Dwyer, Hill, Kelley, Kury,	Lewis, Lynch, McKinney, Mellow, Murray,	Myers, Nolan, O'Pake, Orlando,	Reibman, Ross, Smith, Sweeney,
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So the question was determined in the affirmative, and the amendments were agreed to.

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

RECONSIDERATION OF AMENDMENTS TO SB 1465

Senator FRAME. Mr. President, I move that the vote by which the Senate agreed to the amendments offered by the gentleman from Westmoreland, Senator Kelley, to Senate Bill No. 1465, Printer's No. 1970, be reconsidered.

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

REQUEST FOR DEMOCRATIC CAUCUS

Senator NOLAN. Mr. President, at this time I would ask that we be at ease for the purpose of a Democratic caucus for the next ten minutes. We will meet at the rear of the Senate Chamber.

REQUEST FOR REPUBLICAN CAUCUS

Senator FRAME. Mr. President, during this same interval I ask that the Republican Senators come to their caucus room for a very brief caucus.

RECESS

The PRESIDENT pro tempore. The Senate will stand in recess for ten minutes.

AFTER RECESS

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

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—20

Andrews, Bell, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess, Hobbs,	Holl, Howard, Jubelirer, Lentz, Manbeck,	Moore, Snyder, Stauffer, Tilghman, Wood,
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NAYS—30

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

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

And the question recurring,

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

MOTION TO RECOMMIT

Senator NOLAN. Mr. President, I move that Senate Bill No. 1465 be recommitted to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1465 will be recommitted to the Committee on Appropriations.

HB 1468 CALLED UP

HB 1468 (Pr. No. 1722)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 19 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1468 (Pr. No. 1722)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1478 CALLED UP

SB 1478 (Pr. No. 1843)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 19 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1478 (Pr. No. 1843)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1498 CALLED UP

HB 1498 (Pr. No. 3478)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 19 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1498 (Pr. No. 3478)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1519 CALLED UP

SB 1519 (Pr. No. 2041)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 20 of the Second Consideration Calendar by Senator NOLAN.

BILL RECOMMITTED

SB 1519 (Pr. No. 2041)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Law and Justice.

HB 1538 CALLED UP

HB 1538 (Pr. No. 3469)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 20 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1538 (Pr. No. 3469)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 1547 CALLED UP

SB 1547 (Pr. No. 1937)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 20 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 1547 (Pr. No. 1937)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1579 CALLED UP

HB 1579 (Pr. No. 3507)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 22 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1579 (Pr. No. 3507)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1619 CALLED UP

HB 1619 (Pr. No. 3475)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 22 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

HB 1619 (Pr. No. 3475)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 1), page 2, line 7, by inserting a bracket before and after "and" and inserting a comma immediately thereafter

Amend Sec. 1 (Sec. 1), page 2, line 7, by inserting after "arenas": and to restaurants with sit-down, interior dining facilities

Amend Sec. 1 (Sec. 1), page 2, lines 12 through 15, by striking out "PROVIDED, HOWEVER, THAT THE PROVISIONS OF" in line 12, all of lines 13 and 14 and "STORES CONTAINING A SALES AREA OF 2,800 SQUARE FEET OR LESS." in line 15 and inserting: Provided, how-

ever, That the provisions of this act shall not apply to any department store, theater, retail store, sports arena and other buildings that are constructed and contain less than 2,800 square feet of usable floor space.

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

Senator ZEMPRELLI. Mr. President, the amendments that were placed in the bill in committee were inaccurate and accomplished the opposite of what was intended. There was a double redundancy. The language of the amendments now being offered would reflect the committee's desire with respect to the amendments proposed in committee.

And the question recurring,
Will the Senate agree to the amendments?
They were 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 2059, HB 2061 and HB 2062 CALLED UP

HB 2059 (Pr. No. 3178), HB 2061 (Pr. No. 2827) and HB 2062 (Pr. No. 2667)—Without objection, the bills, which previously went over in their order temporarily, were called up, from page 23 of the Second Consideration Calendar by Senator NOLAN.

BILLS OVER IN ORDER

HB 2059, 2061 and 2062—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

HB 2063, HB 2064 AND HB 2065 CALLED UP

HB 2063 (Pr. No. 3498), HB 2064 (Pr. No. 2828) and HB 2065 (Pr. No. 2991)—Without objection, the bills, which previously went over in their order temporarily, were called up, from page 24 of the Second Consideration Calendar by Senator NOLAN.

BILLS OVER IN ORDER

HB 2063, 2064 and 2065—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

HB 2202 CALLED UP

HB 2202 (Pr. No. 2884)—Without objection, the bill, which previously went over in its order temporarily, was called up, from page 25 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2202 (Pr. No. 2884)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

HB 2353 CALLED UP

HB 2353 (Pr. No. 3146)—Without objection, the bill, which previously went over in its order temporarily,

was called up, from page 25 of the Second Consideration Calendar by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2353 (Pr. No. 3146)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1956 AND HB 1957 CALLED UP

HB 1956 (Pr. No. 3479) and HB 1957 (Pr. No. 3480)—Without objection, the bills, which previously went over in their order temporarily, were called up, from page 13 of the Third Consideration Calendar by Senator NOLAN.

BILLS REREFERRED

HB 1956 (Pr. No. 3479)—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 FRAME. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Smith.

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

Senator SMITH. I will, Mr. President.

Senator FRAME. Mr. President, can the gentleman advise his colleagues in the Senate if any cost or expenditure can be expected to be imposed upon the Commonwealth as the result of the passage of this bill and its companion measure, Senate Bill No. 1957?

Senator SMITH. Mr. President, I believe we appropriated a half million dollars for an initial appropriation. There will be approximately a half million dollars year to year.

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

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

Senator CIANFRANI. I will, Mr. President.

Senator FRAME. Mr. President, can the gentleman from Philadelphia, Senator Cianfrani, advise me if this bill and its companion measure, Senate Bill No. 1957, has been before the Senate Committee on Appropriations and considered by that committee?

Senator CIANFRANI. Mr. President, to my recollection—it is rather hazy, it is a late hour—I do not recall having those bills in my committee.

Senator FRAME. Mr. President, I believe that the gentleman's response, which is usually quite accurate, and the record would show that the measures have not been sent to the Committee on Appropriations.

POINT OF ORDER

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

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

Senator FRAME. Mr. President, in view of the fact that this measure does result in the imposition of a cost or expenditure on the Commonwealth and in view of the

fact that this measure has not been before the Senate Committee on Appropriations, I make the point of order that this bill cannot properly be considered by the Senate in the light of the provisions of the Senate Rules which provide in Rule XIV, Section 16(b), which I will quote:

"No bill which may require an expenditure of Commonwealth funds shall be given third consideration reading on the calendar until it has been referred to the Appropriations Committee, and a fiscal note has been attached thereto."

With my great respect for the Senate Rules, that of my colleagues and for the Senate Committee on Appropriations and its Chairman, I would therefore request that the bill cannot be properly considered at this time and should be recommitted to the Senate Committee on Appropriations.

MOTION TO REREFER

Senator NOLAN. Mr. President, at this time I move that House Bill No. 1956 be rereferred to the Committee on Appropriations.

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

The PRESIDENT pro tempore. House Bill No. 1956 will be rereferred to the Committee on Appropriations.

HB 1957 (Pr. No. 3480)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

MEETING OF THE COMMITTEE ON APPROPRIATIONS

Senator CIANFRANI. Mr. President, I would ask that the recessed meeting of the Committee on Appropriations reconvene immediately in the rear of the Chamber.

The PRESIDENT pro tempore. The Chair hears no objection. The Committee on Appropriations will meet in the rear of the Chamber.

The Senate will be at ease.

(The Senate was at ease.)

REPORTS FROM COMMITTEE

Senator CIANFRANI, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **HB 1956 and 1957**, with a fiscal note of approximately one-half million dollars annually.

CONSIDERATION OF HB 1956

Senator NOLAN. Mr. President, I ask unanimous consent for the consideration of House Bill No. 1956, Printer's No. 3479, at this time.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1956 (Pr. No. 3479)—Considered the third time,

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

FRAME AMENDMENTS

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

- Amend Sec. 12 (Sec. 20.2), page 29, line 14, by inserting a bracket before "(9)"
- Amend Sec. 12 (Sec. 20.2), page 29, line 15, by inserting a bracket after "applicant,"

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

Senator FRAME. Mr. President, in our consideration of this measure we consulted with a number of the county election boards and with the Pennsylvania State Association of County Commissioners. We have a number of amendments to offer to this bill and the succeeding bill, many of which came as a result of those consultations.

The amendments now before the Senate would delete the language on page 29, lines 14 through 15, which mandates the color of the applicant be stated on the application. This is in accordance with a recommendation of the Pennsylvania State Association of County Commissioners as expressed in a letter to me dated June 16th and signed by John E. Minnich, the executive director of that association.

Senator NOLAN. Mr. President, I ask that we defeat the amendments offered by the Minority Leader.

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

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

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

YEAS—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubelrher, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

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

FRAME AMENDMENT

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

- Amend Sec. 8 (Sec. 19.1), page 17, line 29, by inserting after "three": working

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

Senator FRAME. Mr. President, again the amendment now before the Senate was suggested by a county

board of elections who will have the responsibility, in large measure, of administering this proposed act. It simply provides, on page 17, line 29, to insert the word "working" after three days. The purpose of this proposed change, to provide a somewhat more flexible limit during which the county boards of elections must return the cards, is to recognize the fact that there are these long weekends; for example, the Fourth of July, Labor Day, when the three days by themselves would not be adequate and so, if the amendment is adopted, it will provide for three working days for the commissioners to handle the matter.

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—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubelirer, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

FRAME AMENDMENT

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

Amend Sec. 25, page 52, lines 6 and 7, by striking out "IN 30 DAYS." and inserting: January 1, 1977.

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

Senator FRAME. Mr. President, this amendment merely delays the effective date of the act by striking out the currently effective date providing in thirty days and inserting in place thereof the date of January 1, 1977. This suggested amendment is offered again at the further recommendation of the County Commissioners Association in order that they may have adequate time to implement such a very important change in the registration process. It was also pointed out to us, in making this suggested amendment, that there apparently is a Federal bill pending in the Congress of the United States due for action next month, and it would be desirable, when we do pass a postcard registration bill, that it would conform to the Federal mandate. Therefore, it is suggested before this bill is effective we ought to be in a position to see, to be aware of, the nature of the Federal mandate.

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—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubelirer, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

FRAME AMENDMENTS

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

Amend Sec. 8 (Sec. 19.1), page 19, line 20 by striking out "shall be perjury" and inserting: is a misdemeanor of the first degree

Amend Sec. 8 (Sec. 19.1), page 19, lines 20 and 21 by striking out "one thousand dollars (\$1,000)" and inserting: ten thousand dollars (\$10,000)

Amend Sec. 10 (Sec. 20.1), page 25, lines 22 and 23 by striking out "the same" and inserting: criminal

Amend Sec. 10 (Sec. 20.1), page 25, line 23 by inserting a period after "penalties"

Amend Sec. 10 (Sec. 20.1), page 25, line 23 by striking out "for perjury as if I had been duly sworn."

Amend Sec. 10 (Sec. 20.1), page 26, line 6 by striking out "perjury" and inserting: a misdemeanor of the first degree

Amend Sec. 10 (Sec. 20.1), page 26, lines 7 and 8 by striking out "one thousand dollars (\$1,000)" and inserting: ten thousand dollars (\$10,000)

Amend Sec. 12 (Sec. 20.2), page 31, line 15 by striking out "the same" and inserting: criminal

Amend Sec. 12 (Sec. 20.2), page 31, line 15 by inserting a period after "penalties"

Amend Sec. 12 (Sec. 20.2), page 31, lines 15 and 16 by striking out "for perjury as if I had been duly sworn."

Amend Sec. 12 (Sec. 20.2), page 32, line 2 by striking out "perjury" and inserting: a misdemeanor of the first degree

Amend Sec. 12 (Sec. 20.2), page 32, lines 3 and 4 by striking out "one thousand dollars (\$1,000)" and inserting: ten thousand dollars (\$10,000)

Amend Sec. 18 (Sec. 28), page 40, line 18 by inserting after "misdemeanor": of the first degree

Amend Sec. 18 (Sec. 28), page 40, line 19 by inserting brackets before and after "the" and inserting immediately thereafter: criminal

Amend Sec. 18 (Sec. 28), page 40, line 19 by inserting brackets before and after "as provided by this act"

Amend Sec. 24 (Sec. 45), page 51, line 17 by inserting a bracket before "and,"

Amend Sec. 24 (Sec. 45), page 51, line 19 by striking out the bracket before "of"

Amend Sec. 24 (Sec. 45), page 51, lines 19 and 20 by striking out "not exceeding five (5) years, or both" and inserting: of the first degree

Amend Sec. 24 (Sec. 45), page 51, line 20 by striking out "sentence" and inserting: such person

Amend Sec. 24 (Sec. 45), page 51, line 21 by striking out "include the loss of" and inserting: lose

Amend Sec. 24 (Sec. 45), page 51, line 24 by inserting after "Any": registrant who makes a

Amend Sec. 24 (Sec. 45), page 51, line 24 by striking out "made by a registrant"

Amend Sec. 24 (Sec. 45), page 51, lines 26 through 29 by striking out "perjury, and any" in line 26, all of lines 27 and 28, and "an imprisonment not exceeding five (5) years, or both." in line 29 and inserting: guilty of a misdemeanor of the first degree.

Amend Sec. 24 (Sec. 45), page 51, line 30 by striking out "sentence" and inserting: such person

Amend Sec. 24 (Sec. 45), page 51, line 30 by striking out "include the loss of" and inserting: lose

Amend Sec. 24 (Sec. 45), page 52, line 2 by inserting after "misdemeanor": of the third degree

On the question,

Will the Senate agree to the amendments?

Senator FRAME. Mr. President, these amendments were suggested to us by the distinguished Chairman of the Senate Judiciary Committee, Senator Hill, and its purpose is simply to conform the penalties proposed to be provided in this act with the penalties that are in the Criminal Code.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubellrer, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

FRAME AMENDMENT

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

Amend Sec. 4 (Sec. 13), page 12, line 25, by striking out "or improper"

On the question,

Will the Senate agree to the amendment?

Senator FRAME. Mr. President, this amendment simply strikes out the words "or improper" from line 25, page 12, of the bill. That provision provides inter alia, that the records and documents of the commission, open to inspection by the public shall not be used for commercial or improper purposes.

We would submit to you, Mr. President and Members of the Senate, that the reference to "improper" purpose is too vague to have any real meaning in fact, to be rather absurdly used, and should be properly struck from the bill.

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—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubellrer, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

FRAME AMENDMENTS

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

Amend Sec. 22 (Sec. 40), page 48, line 17, by striking out the bracket before "at"

Amend Sec. 22 (Sec. 40), page 48, lines 18 and 19, by striking out "]" if he does not vote in the next primary or election or"

Amend Sec. 22 (Sec. 40), page 48, line 20, by striking out the bracket before "that"

Amend Sec. 22 (Sec. 40), page 48, lines 20 and 21, by striking out "]" ten days of the next primary or election,"

On the question,

Will the Senate agree to the amendments?

Senator FRAME. Mr. President, the present law statewide is that if you do not vote for two years you are purged or struck from the registration rolls. Under the provisions of the bill before the Senate now, it would appear that it will extend to Philadelphia, and Philadelphia only, a further one-year grace period than that afforded the rest of the State before purging.

Mr. President, we would submit to our colleagues in

the Senate that the provisions should be the same for both Philadelphia and the rest of the Commonwealth.

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

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

YEAS—16

Andrews, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Jubelirer, Lentz, Manbeck, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—34

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

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

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

On the question,
Shall the bill pass finally?

Senator DOUGHERTY. Mr. President, I would briefly like to explain my negative vote on this particular bill. I consider this bill to be a major step in the direction of increasing vote fraud within the City of Philadelphia. I find it difficult to believe that people can honestly think that this kind of postcard registration, where there is no accountability, where these postcards are going to be distributed to every organization, individual, group, whatever, that wants them. There is no need for a notarized statement; simply anyone may fill out a card with a name on it and be placed on the voter registration list in the City of Philadelphia. This has to be an outrage.

There are over 50,000 abandoned homes in Philadelphia. In the course of a study a few years ago in reviewing certain sections of our city, we came up with a list of 2,000 people registered to vote who did not live at the addresses where they were supposed to be. When this was presented to the Registration Commission, they told us they do not have the manpower to keep up to date now with the work load which they have.

When you present this monstrosity to the Registration Commission it is a joke if you honestly think that inspectors will go out and try to check up on these people.

Ladies and gentlemen of the Senate, this is a committeeman's delight. The greatest way to increase voter registration in a precinct or in a ward in the City of Philadelphia is to simply turn loose all the postcards, and there will be more phantoms on the registration rolls in Philadelphia than there are in the entire State.

I think this is a disgrace. I think those who consider this to be a positive, progressive step do not know what they are talking about. They do not know the street politics of Philadelphia. I am just appalled that we are

about to turn loose in this State postcards on which people can be registered without any identification as to who they are. I think it is terrible.

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—34

Ammerman, Andrews, Bell, Coppersmith, Duffield, Dwyer, Early, Ewing, Fleming,	Hobbs, Holl, Kelley, Lewis, Lynch, McKinney, Mellow, Messinger, Murphy,	Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Smith, Stapleton, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—16

Arlene, Cianfrani, Dougherty, Frame,	Hager, Hankins, Hess, Hill,	Howard, Jubelirer, Kury, Lentz,	Manbeck, Moore, Snyder, Stauffer,
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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.

CONSIDERATION OF HB 1957

Senator NOLAN. Mr. President, I ask unanimous consent for the consideration of House Bill No. 1957, Printer's No. 3480, at this time.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1957 (Pr. No. 3480)—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—34

Ammerman, Andrews, Bell, Coppersmith, Duffield, Dwyer, Early, Ewing, Fleming,	Hobbs, Holl, Kelley, Lewis, Lynch, McKinney, Mellow, Messinger, Murphy,	Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Smith, Stapleton, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—16

Arlene, Cianfrani, Dougherty, Frame,	Hager, Hankins, Hess, Hill,	Howard, Jubelirer, Kury, Lentz,	Manbeck, Moore, Snyder, Stauffer,
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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 concurrence of the House is requested.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator AMMERMAN, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor, which were read by the Clerk as follows:

MEMBER OF THE ADVISORY HEALTH BOARD

March 29, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as a member of the Advisory Health Board:

David A. Soricelli, D.D.S., 608-620 West Phil-Ellena Street, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, to serve until the third Tuesday of January 1980, and until his successor is appointed and qualified, vice Benedict Kimmelman, D.D.S., Philadelphia, resigned.

MILTON J. SHAPP

MEMBERS OF THE STATE ATHLETIC COMMISSION

March 29, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the State Athletic Commission:

Joseph L. Cimino, 1234 Love Street, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, to serve until December 31, 1977, and until his successor shall have been appointed and qualified.

Howard McCall, 1415 Corlies Street, Philadelphia 19121, Philadelphia County, Second Senatorial District, to serve until December 31, 1977, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

SECRETARY OF BANKING

June 2, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William E. Whitesell, 1311 Clayton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of Banking, to serve until the third Tuesday of January, 1979, and until his successor shall have been appointed and qualified, vice Honorable Carl K. Dellmuth, Swarthmore, resigned.

MILTON J. SHAPP

MEMBER OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE COLLEGE

May 25, 1976

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

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

D. Galloway, 7285 Lemington Avenue, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a student member of the Board of Trustees of California State College, to serve for a term of three years, or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice John Maurice Golden, Gallitzin, whose term expired.

MILTON J. SHAPP

MEMBER OF THE STATE BOARD OF COSMETOLOGY

March 29, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis J. Aquilino, 515 First Street, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve until the third Tuesday of January 1979, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

STATE DENTAL COUNCIL AND EXAMINING BOARD

June 9, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. Sidney Bridges, 4949 Monument Road, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Dental Council and Examining Board, to serve for a term of six years and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE STATE HARNES RACING COMMISSION

May 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kane, 3412 Goshen Road, Newtown Square 19073, Delaware County, Nineteenth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve until December 31, 1978, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA UNIVERSITY OF PENNSYLVANIA

May 25, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Catherine M. Burger, 811 Union Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a student member of the Board of Trustees of Indiana University of Pennsylvania, to serve for a term of three years, or for so long as she is a full-time undergraduate student in attendance at the University, whichever period is shorter, vice Thomas R. Brule, Indiana, whose term expired.

MILTON J. SHAPP

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

April 2, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate R. Stanton Wettick, Jr., Esquire, 623 South Linden Avenue, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, to serve until the first Monday of January, 1978, vice Honorable John J. McLean, Jr., resigned.

MILTON J. SHAPP

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

April 20, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William H. Colbert, Esquire, 528 Cochran Street, Sewickley 15143, Allegheny County, Fortieth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, to serve until the first Monday of January, 1978, vice Honorable Albert A. Fiok, deceased.

MILTON J. SHAPP

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

June 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lawrence A. Brown, Esquire, 44 Terrace Road, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-eighth Judicial District of Pennsylvania, composed of the County of Montgomery, to serve until the first Monday of January, 1978, vice Honorable David E. Groshens, deceased.

MILTON J. SHAPP

CHAIRMAN OF THE STATE LOTTERY COMMISSION

May 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Vergia Thomas (Democrat), 3511 North Sydenham Street, Philadelphia 19140, Philadelphia County, Third Senatorial District, for appointment as Chairman of the State Lottery Commission, who shall hold office at the pleasure of the Governor, to fill a vacancy.

MILTON J. SHAPP

MEMBER OF THE STATE LOTTERY COMMISSION

May 7, 1976

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

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

T. Romanus (Democrat), 825 Agnew Road, Pittsburgh 15227, Forty-third Senatorial District, for appointment as a member of the State Lottery Commission, for a term of four years and shall continue to hold office until a successor is appointed and qualified, to fill a vacancy.

MILTON J. SHAPP

MEMBERS OF THE STATE BOARD OF
EXAMINERS OF PUBLIC ACCOUNTANTS

June 15, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of The State Board of Examiners of Public Accountants, pursuant to Act 148, approved December 16, 1975:

Charles Kofsky, C.P.A., 1008 Arboretum Road, Wyncote 19095, Montgomery County, Twelfth Senatorial District, to serve for a term of four years and until his successor is appointed and qualified.

Louis A. Werbaneth, Jr., C.P.A., 325 Holiday Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, to serve for a term of four years and until his successor is appointed and qualified.

Irving Yaverbaum, C.P.A., 315 Edward Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, to serve for a term of four years and until his successor is appointed and qualified.

William Francis Jacobs, Jr., Esquire (At-large), Apartment 101, 5619 Kentucky Avenue, Pittsburgh 15232, Allegheny County, Thirty-eighth Senatorial District, to serve for a term of four years and until his successor is appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE RENAL DISEASE
ADVISORY COMMITTEE

May 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as a member of the Renal Disease Advisory Committee:

Doctor Edward S. Cooper, 6710 Lincoln Drive, Germantown 19144, Philadelphia County, Thirty-sixth Senatorial District, to serve until November 28, 1977, and until his successor is appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE ADAMS COUNTY
BOARD OF ASSISTANCE

June 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Jean S. Holder (Democrat), R. D. 3, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Adams County Board of Assistance, to serve until December 31, 1976, and until her successor is duly appointed and qualified, vice Mrs. Susan Rebert, Littlestown, resigned.

MILTON J. SHAPP

MEMBERS OF THE ALLEGHENY COUNTY
BOARD OF ASSISTANCE

March 26, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Allegheny County Board of Assistance:

Miss Thelma E. Rodgers (Democrat), 720 Anaheim Street, Pittsburgh 15219, Allegheny County, Forty-third Senatorial District, to serve until December 31, 1978, and until her successor is duly appointed and qualified.

Miss Cecile Springer (Democrat), 5665 Bartlett Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, to serve until December 31, 1978, and until her successor is duly appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

June 8, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Whitney Gardner (Democrat), R. D. 2, Athens 18110, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1978, and until his successor is duly appointed and qualified, vice Richard Hill, Athens, whose term expired.

MILTON J. SHAPP

MEMBER OF THE CAMBRIA COUNTY
BOARD OF ASSISTANCE

May 18, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Cynthia Friedman (Democrat), 2120 Hillholm Avenue, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified, vice Ms. Sylvia Roebuck, Johnstown, whose term expired.

MILTON J. SHAPP

MEMBER OF THE CAMERON COUNTY
BOARD OF ASSISTANCE

June 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Norma Gore (Democrat), Star Route, Box 13, Emporium 15834, Cameron County, Thirty-fourth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Reverend Robert B. McIntyre, Sinnamahoning, resigned.

MILTON J. SHAPP

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

May 13, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as a member of the Clinton County Board of Assistance:

James Leone (Democrat), Park Avenue, Box 147, Woolrich 17779, Twenty-third Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified.

MILTON J. SHAPP

MEMBERS OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE

May 6, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Huntingdon County Board of Assistance:

Ms. Elaine Eichensehr (Democrat), R. D. 3, Henderson Township, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, to serve until December 31, 1978, and until her successor is duly appointed and qualified.

Charles E. Suders (Republican), 205 South Division Street, Mount Union 17066, Huntingdon County, Thirtieth Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified.

MILTON J. SHAPP

MEMBERS OF THE LYCOMING COUNTY
BOARD OF ASSISTANCE

May 4, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Lycoming County Board of Assistance:

Reverend Henry Eugene Gable (Democrat), 113 South Second Street, Hughesville 17737, Lycoming County, Twenty-third Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified.

Donald E. Hartranft (Democrat), 318 Arch Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

May 20, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jesse Dobbie (Democrat), 266 Florence Street, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1976, and until his successor is duly appointed and qualified, to fill a vacancy.

MILTON J. SHAPP

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

May 20, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as a member of the Philadelphia County Board of Assistance:

Lee Roy Harper (Democrat), 2241 North Broad Street,

Philadelphia 19132, Philadelphia County, Third Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified, vice Eric Ward, Philadelphia, whose term expired.

MILTON J. SHAPP

MEMBER OF THE SULLIVAN COUNTY BOARD OF ASSISTANCE

May 6, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marjorie R. Worthington (Democrat), LaPorte 18626, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified.

MILTON J. SHAPP

MEMBER OF THE SULLIVAN COUNTY BOARD OF ASSISTANCE

June 7, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marjorie J. McDonald (Democrat), 295 South German Street, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified, vice Mrs. Mary O. Meehan, Dushore, whose term expired.

MILTON J. SHAPP

MEMBERS OF THE UNION COUNTY BOARD OF ASSISTANCE

May 18, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Union County Board of Assistance:

Adrian Spielman (Republican), 130 Brown Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, to serve until December 31, 1976, and until his successor is duly appointed and qualified, vice Herman G. Reichley, Winfield, resigned.

Mrs. Marjorie Farrell (Democrat), 210 South Thirteenth Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, to serve until December 31, 1976, and until her successor is duly appointed and qualified, vice Mrs. Margaret M. Black, New Berlin, resigned.

MILTON J. SHAPP

MEMBER OF THE WASHINGTON COUNTY BOARD OF ASSISTANCE

May 17, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Wendell Ramey (Republican), 314 Castner Avenue, Donora 15033, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Washington County Board of Assistance, to serve until December 31, 1978, and until his successor is duly appointed and qualified, to fill a vacancy.

MILTON J. SHAPP

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator AMMERMAN. Mr. President, I call from the table for consideration the nominations of John D. Killian, Esquire, and William Francis Jacobs, Jr., Esquire, as members of the Public School Employees' Retirement Board.

The Clerk read the nominations as follows:

MEMBERS OF THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

March 29, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following as members of the Public School Employees' Retirement Board, pursuant to Act 96, approved October 2, 1975:

John D. Killian, Esquire, 3737 Maple Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, to serve until January 1, 1977.

William Francis Jacobs, Jr., Esquire, Apartment 101, 5619 Kentucky Avenue, Pittsburgh 15232, Allegheny County, Thirty-eighth Senatorial District, to serve until January 1, 1979.

MILTON J. SHAPP

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

Ammerman,	Hager,	Manbeck,	Reitman,
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,	Jubeltirer,	Myers,	Stauffer,
Dwyer,	Kelley,	Nolan,	Sweeney,
Early,	Kury,	Noszka,	Tilghman,
Ewing,	Lentz,	O'Pake,	Wood,
Fleming,	Lewis,	Orlando,	Zemprelli,
Frame,	Lynch,		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator AMMERMAN asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATION LAID ON THE TABLE

Senator AMMERMAN. Mr. President, I request that

the nomination reported from committee today and previously read by the Clerk for Louis J. Aquilino, as a member of the State Board of Cosmetology be laid on the table.

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

NOMINATION TAKEN FROM THE TABLE

Senator AMMERMAN. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for R. Stanton Wettick, Jr., Esquire, as Judge, Court of Common Pleas, Allegheny County.

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

Senator NOLAN. Mr. President, I ask Senatorial courtesy, requesting that this man not be confirmed as a judge in Allegheny County. Out of my twenty-two boroughs and townships, he has caused a problem for me in eleven of them. I do not think that he is fit to sit on a court in Allegheny County.

Mr. President, I ask that he not be confirmed.

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

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

YEAS—7

Duffield, Dwyer,	Hill, Reibman,	Romanelli, Scanlon,	Zemprelli,
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NAYS—43

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hobbs, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis,	Lynch, Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka,	O'Pake, Orlando, Ross, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood,
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Less than a two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator AMMERMAN. Mr. President, I call from the table for consideration the balance of the nominations reported from committee today and previously read by the Clerk.

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

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

YEAS—50

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield,	Hager, Hankins, Hess, Hill, Hobbs, Holl, Howard, Jubelirer,	Manbeck, McKinney, Mellow, Messinger, Moore, Murphy, Murray, Myers,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer,
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Dwyer,
Early,
Ewing,
Fleming,
Frame,

Kelley,
Kury,
Lentz,
Lewis,
Lynch,

Nolan,
Noszka,
O'Pake,
Orlando,

Sweeney,
Tilghman,
Wood,
Zemprelli,

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator NOLAN, from the Committee on Rules and Executive Nominations, reported, as committed, **HB 835** and **2446**; as amended, **HB 1375**.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator NOLAN, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Concurrent Resolution, **Serial No. 245**, entitled:

Memorializing Congress to defeat Waterways Users Tax.

He also, from the Committee on Rules and Executive Nominations, reported without amendment, House Concurrent Resolution **No. 269**, entitled:

Memorializing Congress to reaffirm the policy of "Universal Service" and the authority of the State Public Utilities Commissions.

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

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Scanlon, will state it.

Senator SCANLON. Mr. President, would it be in order at this time to make a motion to reconsider the vote by which R. Stanton Wettick, Jr. was not confirmed as a Judge of the Court of Common Pleas of Allegheny County?

The PRESIDENT pro tempore. It would be out of order at this time, Senator Scanlon. We are not in Executive Session.

REPORTS FROM COMMITTEES

Senator HILL, from the Committee on Judiciary, reported, as amended, **HB 2257**.

Senator CIANFRANI, from the Committee on Appropriations, rereported, as committed, **SB 144** and **HB 748**; reported, as committed, **HB 2172**, **2379** and **2448**; as amended, **SB 1556**, **HB 620** and **2117**.

Senator KELLEY, from the Committee on Law and Justice, reported, as committed, **HB 2377**.

Senator ORLANDO, from the Committee on Finance, reported, as committed, **SB 1531** and **HB 2074**; as amended, **SB 874**.

Senator SMITH, from the Committee on State Government, reported, as committed, **SB 1620** and **1621**; as amended, **HB 1377** and **1953**.

BILL REREFERRED

Senator SMITH, from the Committee on State Government, returned to the Senate **SB 1203**, which was rereferred to the Committee on Appropriations.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Scanlon, will state it.

Senator SCANLON. Mr. President, would it be in order to move that the Senate resolve itself into Executive Session for the purpose of reconsidering the vote by which R. Stanton Wettick, Jr. was not confirmed?

The PRESIDENT pro tempore. If there are no objections, Senator.

Senator NOLAN. Mr. President, I object to the Senate resolving itself into Executive Session. Many of our Members have left the floor, and I oppose going back into Executive Session.

Senator SCANLON. Mr. President, I request a roll call vote.

The PRESIDENT pro tempore. Senator Scanlon, we are past that order of business, and a roll call is not in order at this time.

Senator SCANLON. Mr. President, my motion is that we resolve ourselves into Executive Session. I am requesting a roll call on that motion.

The PRESIDENT pro tempore. We are on the order of Unfinished Business at this time, Senator Scanlon.

Senator SCANLON. Thank you, Mr. President.

SENATE RESOLUTION

MEMORIALIZING CONGRESS TO ESTABLISH THE ACCELERATED USE OF COAL AS A SOURCE OF ENERGY

Senator KELLEY offered the following resolution (**Serial No. 94**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 22, 1976.

WHEREAS, The fact that the oil imported by us is 45% of the amount consumed in United States indicates that the Project Independence campaign to increase our domestic energy supply has failed. Immediate action is necessary to prevent economic ruin which will result from the impending energy disaster.

WHEREAS, This Nation should be preparing for the eventuality that political and military unrest in the Middle East could deny us 30% of the oil we consume without any prior notice. One means available to our Nation to offset this situation is the use of coal as a source of energy. Its cost, in equivalent energy value, is only 1/3 that of petroleum; therefore be it

RESOLVED, That Congress be memorialized to act immediately to establish a base, including the accelerated use of coal, for the removal of this Nation from its pres-

ent potentially disastrous position in so far as its supply of energy is concerned; and be it further

RESOLVED, That copies of this resolution be sent to each Senator and Representative from Pennsylvania.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Roy F. Schlegel by Senator Lentz.

Congratulations of the Senate were extended to Leer Basketball Team and to the Juniata Park Boys' Club by Senator Smith.

Congratulations of the Senate were extended to the Altoona Rotary Club, George N. Weaver and to Mr. and Mrs. H. F. Schmelzlen by Senator Jubelirer.

Congratulations of the Senate were extended to Eric Shelgren by Senator Ammerman.

Congratulations of the Senate were extended to Mr. and Mrs. Edward M. Blackhurst, Mr. and Mrs. Talbert Nelson, Mount Morris Community Volunteer Fire Company and to The First United Methodist Church by Senator Murphy.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Honorable Carroll D. Kearns by Senators Dwyer and Frame.

BILLS ON FIRST CONSIDERATION

Senator NOLAN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 874, 1248, 1531, 1556, 1620, 1621, HB 293, 620, 835, 1375, 1377, 1463, 1953, 2074, 2117, 2172, 2257, 2377, 2379, 2446, 2448 and 2464.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BEDFORD COUNTY BOARD OF ASSISTANCE

June 22, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Dorothy H. Dixon (Democrat), 36 Ridge Avenue, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Gilbert Calvin Winter, Everett, deceased.

MILTON J. SHAPP

MEMBER OF THE MONTGOMERY COUNTY
BOARD OF ASSISTANCE

June 22, 1976

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. M. Angela Tolleris (Democrat), Apartment C-203, 900 Valley Road, Melrose Park 19126, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Montgomery County Board of Assistance, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Beverly Schiffrin, Gladwyne, resigned.

MILTON J. SHAPP

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Reports of Committees of Conference on **HB 77** and **614**, which were placed on the Calendar.

He also informed the Senate that the House has adopted Reports of Committees of Conference on **SB 668** and **671**.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has non-concurred in amendments made by the Senate to **HB 2073**

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

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1490, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1490**, and has appointed Messrs. BRUNNER, DeMEDIO and ZEARFOSS as a Committee of Conference to confer with a similar Committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 1031** and **1096**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 2002** and **2178**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

BILLS SIGNED

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

SB 1542, HB 153, 305, 615, 1556, 2002, 2178 and 2294.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, would a motion be in order at this time to reconsider the action of this Body with regard to one of the bills on today's Calendar?

The PRESIDENT pro tempore. State your question, Senator.

Senator LEWIS. Mr. President, I would move that the Senate do reconsider the vote by which it passed Senate Bill No. 1340, Printer's No. 1931.

The PRESIDENT pro tempore. The parliamentarian tells me, Senator Lewis, that you should wait until it gets on the Calendar on Monday.

Senator LEWIS. Mr. President, we passed the bill today, and it would be in its normal course, I believe, sent to the House of Representatives for their consideration.

The PRESIDENT pro tempore. We will hold the bill until Monday, Senator Lewis.

PETITIONS AND REMONSTRANCES

Senator SNYDER. Mr. President, I would like to offer for the record a statement in connection with the passage today of House Bill No. 694, known as the welfare reform bill, and in connection with it, I would just like to say that I think I should express appreciation to the gentleman from Cambria, Senator Coppersmith, for his quite active cooperation in this in the past several months and to the staff people who had many meetings on it and deserve to be recognized. They include Mrs. Dorothy Forney of the Minority staff, Gerald Kupris, Esquire, of the Minority staff, Marx Leopold, Esquire, of the Majority staff, Dr. Steve Brody of the Majority staff, and Mr. Thomas Hooker, Deputy Secretary of Welfare. It was a quite draftsmanlike job they worked on, and I think the result will vindicate our highest hopes.

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

The Senate took a giant step forward today. When the House concurs in the "Welfare Reform" amendments to House Bill No. 694 and the Governor approves, Pennsylvania will have made its greatest progress in public welfare administration since the Code was first enacted in 1937.

There is, however, one caveat. Reform of the system depends upon the good faith with which the Department of Public Welfare administers the law. If the

Department does nothing except bare compliance, the savings will be barely \$2 million, as the fiscal note of the Senate Appropriations Committee indicated. On the other hand, if the Department accepts this as a mandate, the savings could be substantially in excess of \$100 million annually to the Commonwealth and the Federal government.

This bill gives the Department the tools with which to do the job of cleaning up the rolls. Under both the Shafer and Shapp administrations, various members of the General Assembly have sought to enact reforms, unsuccessfully; but, in both of those administrations, careerists in the Department permitted a wasteful, debilitating welfare system to grow.

Secretary Frank Beal has shown some evidence that the corner has been turned. Two of the reforms we were not able to put into the bill are being adopted: (a) Creation of a unit to pursue fraud, now mandated by Federal regulation; (b) shortening the time a welfare recipient may draw checks while absent from the State—from 60 days to 30 days—proposed only last week in the Pennsylvania Bulletin of June 12, 1976.

If the Department continues on this track, we may see at least a welfare system which supports the needy graciously, encourages self-dependency, and which deserves public confidence.

Savings are inevitable if this occurs. The absent parent provisions, first proposed by Senator Thomas Andrews three years ago, are similar to those now used with remarkable success in Michigan. If pursued here, they should raise the savings in this area from \$10 million we now recover from working absentee parents to \$50 million.

Other provisions of the bill are designed to bring Pennsylvania into compliance with Federal standards. The Feds will allow 3 per cent ineligibles on the rolls; Pennsylvania has 8.6 per cent. The Feds will allow overpayments in 5 per cent of the cases; Pennsylvania is overpaying in 18 per cent of its cases. If we comply in these two respects, we will save \$60 million.

In one respect, Pennsylvania is inexplicably remiss. Miss Sue Ossman, of the quality control office in HEW in Washington, tells us that our State is 50th among the states with respect to its measurement of cases. The Federal office would be satisfied with a sampling of 1,360 cases. Thus far only 157 have been checked and reported, and June 30 is the deadline.

Since the Federal government pays about half of our AFDC and Medicaid costs, and the full cost of food stamps, Pennsylvania and every other state have a duty to comply with reasonable rules.

Let us hope the Senate's vote today is proof that we are on the high road to a reformed public assistance system. It can be fair, equitable, humane and respected. It will be better for the recipients, the taxpayers, and the administrators.

Senator BELL. Mr. President, earlier today I was about to take part in the debate on the bill authorizing a consumer advocate. I would like to just put into the record that I support this bill and will vote for it because the Public Utility Commission should be an impartial, quasi-judicial, fact-finding, rate-setting Commission.

Under current law, the PUC is charged with protecting the consumers' interest. The PUC cannot be impartial

and protect the consumers' interest. This is the purpose of the consumers' advocate, and as far as Senate bills passing the House, someone would have to be a very, very good prophet and wizard to forecast when any Senate bill will pass the House of Representatives.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

Eastern
Daylight
Saving
Time

DATE AND COMMITTEE

Room

WEDNESDAY, JUNE 23, 1976

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
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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 Streets, Erie, Pennsylvania
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MONDAY, JUNE 28, 1976

12:00 Noon	CONFERENCE COMMITTEE (to consider Senate Bill No. 153)	172
12:00 Noon	CONFERENCE COMMITTEE (to consider Senate Bill No. 33)	168
12:30 P.M.	AGRICULTURE (to consider Senate Bill No. 1252)	182

WEDNESDAY, JUNE 30, 1976

9:00 A.M.	CONSUMER AFFAIRS (to consider Senate Bills No. 162, 479; House Bills No. 170, 171, 488, 502 and 2223)	Majority Caucus Room
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The SECRETARY. The Conference Committee meeting on Senate Bill No. 33 scheduled for Wednesday, June 23 has been postponed until Monday, June 28.

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Monday, June 28, 1976, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:25 p.m., Eastern Daylight Saving Time.