

Legislative Journal

MONDAY, JUNE 28, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 114

SENATE

MONDAY, June 28, 1976.

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

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

PRAYER

The Chaplain, The Reverend BOBBY BOYD, Pastor of the United Methodist Church, Pottsville, offered the following prayer:

Almighty God, Father of us all, Thou who art able to breathe the breath of life, come into this place and abide with us. Help us that we might find Your will, that we might find physical strength, mental agility and spirit and ethical mind to do the work and the will of our Master.

Bless our State, this Commonwealth, and all who dwell therein. Bless our Nation, our flag and our lives as we witness this day to the freedom that is ours, to pray to worship and to share in the politics of our Nation with no fear.

This day receive our prayer, receive our hopes and ambitions and cause them to have fruition even as we pray in the Name of Him who gave us life. Amen.

JOURNAL APPROVED

The PRESIDENT. 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.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 572, 573, 636, 637, 670, 883, 1093, 1276, 1327, 1329, 1330, 1359 and 1365.

SENATE BILL RETURNED WITHOUT APPROVAL

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

SB 1166.

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

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also 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 BOARD OF TRUSTEES OF CLARION STATE COLLEGE

June 23, 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 Leonard K. Bashline, R. D. 2, Box 105, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as a student member of the Board of Trustees of Clarion State College, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Scott L. Taylor, Fairview, whose term expired.

MILTON J. SHAPP

CONTROLLER, BERKS COUNTY

June 23, 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 C. Campbell, 538 East Third Street, Boyertown 19512, Berks County, Eleventh Senatorial District, for appointment as Controller in and for the County of Berks, to serve until the first Monday of January 1980, vice John C. Moyer, resigned.

MILTON J. SHAPP

CORONER IN AND FOR THE COUNTY OF PIKE

June 24, 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. Genevieve Melody, R. D. Hawley, Pennsylvania 18428, Pike County Blooming Grove Township), Twentieth Senatorial District, for appointment as Coroner in and for the County of Pike, to serve until the first Monday of January, 1980, vice Duncan Stroyan, deceased.

MILTON J. SHAPP

MEMBER OF THE BOARD OF TRUSTEES OF EDINBORO STATE COLLEGE

June 23, 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 B. Mahaney, Jr., R. D. 2, Wexford Bayne Road, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as a student member of the Board of Trustees of Edinboro State College, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Miss Cheryl Sokol, Pittsburgh, whose term expired.

MILTON J. SHAPP

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1114** and **2392**, which were referred to the Committee on Agriculture.

He also presented for concurrence **HB 2373** and **2488**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 1958** and **1959**, which were referred to the Committee on Business and Commerce.

He also presented for concurrence **HB 1032**, which was referred to the Committee on Law and Justice.

He also presented for concurrence **HB 1592**, **2304**, **2305**, **2307**, **2308**, **2309** and **2388**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1603**, which was referred to the Committee on Public Health and Welfare.

He also presented for concurrence **HB 1281** and **2363**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 2530**, which was referred to the Committee on Transportation.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 935, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 935**, and has appointed Messrs. **BERSON**, **CAPUTO** and **SPENCER** as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1643**.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **HB 314**, which was placed on the Calendar.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 848**, **849**, **1025**, **1147** and **1267**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 850**, **875**, **931**, **1143**, **1144**, **1145** and **1415**, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 159, **493**, **668**, **671**, **850**, **875**, **931**, **954**, **1031**, **1096**, **1143**, **1144**, **1145**, **1268**, **1415**, **HB 649**, **1643** and **2123**.

COMMITTEE OF CONFERENCE APPOINTED ON SB 935

The PRESIDENT. The Chair announces on behalf of the President pro tempore the appointment of Senators **HILL**, **MYERS** and **HAGER** as a Committee of Conference on the part of the Senate to confer with a similar Committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 935.

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

COMMITTEE OF CONFERENCE APPOINTED ON HB 567

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators **MELLOW**, **ROSS** and **HOBBS** as a Committee of Conference on the part of the Senate to confer with a similar Committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 567.

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

REPORTS FROM COMMITTEE

Senator **ARLENE**, from the Committee on Labor and Industry, reported, as committed, **SB 1568** and **HB 1819**; as amended, **HB 2118**.

RESOLUTION REPORTED FROM COMMITTEE

Senator **ARLENE**, from the Committee on Labor and Industry, reported without amendment, Senate Concurrent Resolution, Serial No. 243, entitled:

Joint Committee to investigate problem of unemployment.

The PRESIDENT. The resolution will be placed on the Calendar.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Senator **HILL** submitted the Reports of Committees of Conference on **SB 153** and **935**, which were placed on the Calendar.

BILLS INTRODUCED AND REFERRED

Senators **ARLENE**, **NOLAN**, **COPPERSMITH**, **HANKINS**, **NOSZKA**, **McKINNEY**, **LYNCH** and **MELLOW** presented to the Chair **SB 1633**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing an exemption from liens on real estate in certain cases.

Which was committed to the Committee on Public Health and Welfare.

Senators MURPHY, STAUFFER, JUBELIRER, EWING and ROSS presented to the Chair **SB 1634**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for the investment of funds.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 1635**, entitled:

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

Which was committed to the Committee on Local Government.

Senators MURPHY, ROSS, ORLANDO, STAUFFER and EWING presented to the Chair **SB 1636**, entitled:

An Act creating the Pennsylvania Public Employee Retirement Study Commission to make a continuing study of all public employees retirement and pension systems; providing for an advisory committee; and making an appropriation.

Which was committed to the Committee on Finance.

Senators O'PAKE, ROSS, LEWIS, DOUGHERTY, SWEENEY, JUBELIRER, DWYER, KURY and REIBMAN presented to the Chair **SB 1637**, entitled:

An Act amending the act of November 26, 1975 (No. 124), entitled "Child Protective Services Law," further providing for reports and records.

Which was committed to the Committee on Aging and Youth.

Senator O'PAKE (By Request) presented to the Chair **SB 1638**, entitled:

An Act amending the act of April 29, 1959 (P. L. 58, No. 32), entitled "The Vehicle Code," eliminating the requirement of wearing headgear for motorcycle drivers and passengers.

Which was committed to the Committee on Transportation.

"MISS PENNSYLVANIA" PRESENTED TO SENATE

Senator JUBELIRER. Mr. President, having been in the Senate for less than two years, I have found that one of the most pleasurable duties that I have had is introducing Miss Pennsylvania. Since this is the second year for the City of Altoona in Blair County to be host for the Miss Pennsylvania Pageant, it has fallen upon me the difficult duty, but nevertheless I tolerate it as best I can, to have Miss Pennsylvania in my office, with her fine chaperones, and to get to talk to them and know them and, at great personal sacrifice, Mr. President, I do this, but I recognize, as the Senator from the District where the Pageant is held that I must pursue these duties.

Nevertheless, Mr. President, it is indeed my pleasure and honor to introduce to my colleagues in the Senate today Marie Margaret McLaughlin. Marie is a resident

of Senator Howard's District in Levittown. She is presently pursuing graduate studies in theatre and communications at Muhlenberg College, in Senator Messinger's District, in Allentown. She is twenty-three years of age and she was Miss Lehigh Valley. Her parents are Mr. and Mrs. Hugh McLaughlin. She is a self-taught ventriloquist. I had the pleasure of watching her dummy perform at the Pageant—and I do not want to bite on that line because it is too tempting. With Miss Pennsylvania today are Dolores Reilly, who is the Pageant producer and chaperone, Marla Reilly, her daughter, Mr. and Mrs. Walter Bagley, Walt and Jean Bagley, who are also chaperones with Miss Pennsylvania.

Again, Mr. President, it is indeed an honor for me to introduce to my colleagues today, Marie Margaret McLaughlin, Miss Pennsylvania, and hopefully the next Miss America.

The PRESIDENT. Thank you, Senator. We will ask Miss McLaughlin to come forward. With the bit of information I just heard perhaps we should stage this in such a way that she sits on the chair and I sit on her lap and be her dummy.

Miss Pennsylvania.

(Applause.)

REMARKS BY "MISS PENNSYLVANIA"

Miss McLAUGHLIN. Mr. President and Members of the Senate:

I am excited, and I want you to know I am really thrilled being here. It is an honor to be Miss Pennsylvania. I hope I can carry on the tradition of Pennsylvania in the Miss America Pageant, and throughout the year, giving goodwill and showing just what Pennsylvania is made of.

I would like to tell you a bit about myself, but you did it better than I, and I thank you very much, Senator. I am twenty-three years old, and I want to say that I do not live in New Jersey like all the papers state. I have been a resident of Bucks County for five years. It is beautiful there and I love it and I intend to stay there.

I want to tell you about the Pageant. The Pageant to me is opportunity; opportunities for my career, opportunities to finish my education. I won \$2,200, making it possible that I could complete my Master's Degree in Theatre and Communications. It also made possible for many girls in your Districts, your representatives, also to complete their educations or further their education. I also want to put a plug in now for a bill, House Bill No. 2379, that is coming up; it is on second consideration. It is for \$5,000 to the Miss Pennsylvania Scholarship Pageant, so that all the contestants in the Pageant can receive extra scholarship money in order that they can continue and further their education.

I just want you to know I am really happy to be here. The leadership that is here in Pennsylvania makes me very proud, and I know that there is a lot of decision-making which rests on your shoulders, but if there is any place better than Pennsylvania, it has to be heaven.

Thank you.

(Applause.)

The PRESIDENT. Thank you very much, Miss McLaughlin. I do not think we will require her to register as a lobbyist. Do not be too concerned about the fact that the papers say you live in New Jersey. You are

in very comfortable surroundings. That happens to some persons from time to time in this Chamber too, so we know exactly how you feel.

Our thanks to you, too, Senator Jubelirer, for your courteously escorting Miss Pennsylvania to the Chamber.

SENATE CONCURRENT RESOLUTIONS

RECESS ADJOURNMENT

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

In the Senate, June 28, 1976.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 20, 1976 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, September 20, 1976 unless sooner recalled by the Speaker of the House of Representatives.

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

RETURNING HB 175 TO THE COMMITTEE OF CONFERENCE

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

In the Senate, June 28, 1976.

RESOLVED, (the House of Representatives concurring), That House Bill 175, Printer's No. 3482 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" be recommitted to the Committee of Conference for further study.

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

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. There are two committee meetings for today:

At 1:30 p.m. there will be a meeting of the Committee on Rules and Executive Nominations.

At 2:00 p.m. the recessed meeting of the Committee on Transportation will reconvene in the conference room in the President pro tempore's office.

MEETING OF COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator NOLAN. Mr. President, I request that all the Members of the Committee on Rules and Executive Nominations report to the conference room in the rear of the Senate Chamber at 1:30 p.m.

RECESS

Senator NOLAN. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Democratic caucus which will take place beginning at 2:30, with the intention of returning to the floor at 4:30.

Senator FRAME. Mr. President, I would be grateful if the Republican Senators would come to their caucus room promptly at 1:45 where, as they will recall, we will

be meeting and deliberating with representatives from the Governor's office on the three bills that are before the Senate concerned with the proposed Volkswagen location in New Stanton.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:30 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.

CALENDAR

SB 1581 CALLED UP OUT OF ORDER

SB 1581 (Pr. No. 1999)—Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator NOLAN.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1581 (Pr. No. 1999)—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—50

Ammerman,	Hager,	Manbeck,	Reibman,
Andrews,	Hankins,	McKinney,	Romanelli,
Arlene,	Hess,	Mellow,	Ross,
Bell,	Hill,	Messinger,	Scanlon,
Cianfrani,	Hobbs,	Moore,	Smith,
Coppersmith,	Holl,	Murphy,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Myers,	Stauffer,
Dwyer,	Kelley,	Nolan,	Sweeney,
Early,	Kury,	Noszka,	Tilghman,
Ewing,	Lentz,	O'Pake,	Wood,
Fleming,	Lewis,	Oriando,	Zemprell,
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 Clerk present said bill to the House of Representatives for concurrence.

REPORTS OF COMMITTEES OF CONFERENCE

REPORT ADOPTED

HB 77 (Pr. No. 3527)—Senator NOLAN. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 77, entitled:

An Act amending the act of April 29, 1959 (P. L. 58, No. 32), entitled "The Vehicle Code," directing the issuance of special registration plates exempt from all registration fees to certain disabled veterans; exempting motor vehicles bearing such plates from certain parking restrictions for limited times; and prescribing penalties.

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—50

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

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.

BILLS OVER IN ORDER

HB 175 and 614—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

REPORT ADOPTED

SB 675 (Pr. No. 2078)—Senator NOLAN. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 675, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further defining regular interest, further providing for simultaneous payments of salary and retirement benefits and providing for subsequent admissions to the system.

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—50

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

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.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HB 2073

HB 2073 (Pr. No. 3327)—Senator NOLAN. Mr. Presi-

dent, I move that the Senate do insist upon its amendments to House Bill No. 2073, 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.

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

HB 2 and 1883—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

THIRD CONSIDERATION CALENDAR

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.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 1082 (Pr. No. 2709)—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 EWING. Mr. President, this bill provides for an appropriation of \$50,000 to one James Henry Kent to compensate him for supposedly improper incarceration for twenty-six years, as well as the loss of four fingers during that period of time.

Mr. President, it is pointed out that Article III of the Constitution, Sections 29 and 32, provide that the General Assembly shall pass no local or special law in any case which can be provided for by general law, and no appropriation shall be made for charitable, educational or benevolent purposes to any person.

While this bill is quite expertly drafted, Mr. President, so as to appear to be general legislation, the particulars of the bill can only apply to this James Henry Kent. Therefore, it would seem, Mr. President, that there is a very serious constitutional question relative to this legislation.

Further, Mr. President, certain additional information has come to my attention very, very recently with respect to this individual.

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

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

Senator HILL. I will, Mr. President.

Senator EWING. Mr. President, I know that the gentleman is very familiar with the particulars relevant to this case which I referred to, which have been brought to our attention most recently, and to my attention within the last half hour. I wonder if the gentleman from Philadelphia, Senator Hill, would give us some background, of which he has knowledge, which is very relevant in this matter.

Senator HILL. Mr. President, I will do that. This

case arose out of a murder on December 11, 1943 of a man named George Kern. Mr. Kern had last been seen leaving his house two days before on December 9th. He was found on December 11, 1943 by two deer hunters with five bullet wounds in his back. He had been a friend of Mr. Kent, the man who is the subject of this bill. They had been going around the taverns and drinking together and that kind of thing. That night, the night when the alleged killing was supposed to have taken place, Mr. Kent went to visit his girl friend, a Stella Harshberger, with whom he was living at the time, and displayed a pistol, according to her, and a large roll of money and a diamond, which witnesses identified as having at one time been in the possession of Mr. Kern.

He was shortly thereafter picked up, and he was tried on two occasions. The first occasion was a hung jury; on the second occasion he was convicted of murder in the first degree. The principal witness against him was Mrs. Harshberger, who recounted about him displaying the pistol and trying to provide an alibi; also that he had the money and the diamond ring. Mr. Kern, the man who had been found murdered had had his pockets rifled and had been friendly with Mr. Kent's sister over a period of time as well.

Mr. Kent was taken to Philadelphia after being apprehended and held incommunicado for five days, did not get a lawyer exactly when he wanted one and the State Police used some procedures then such as spying on him and trying to eavesdrop on him, which would not be accepted today in a court. On the basis of the activities of the State Police at that time, twenty years later in 1970, Mr. Kent brought a move for a hearing under the Post Conviction Hearing Act and his case was heard at that time. A motion to suppress the evidence in this case was made and there was a hearing on that. The testimony of the girl friend, Mrs. Harshberger, was not suppressed by the court. Mrs. Harshberger, however, was dead. The testimony of the sister was not available because she was dead and there has been some indication that he tried to get the sister to plead to this. The court did suppress certain other evidence arising out of the fact that he had been held incommunicado and did not have a lawyer and some of those constitutional matters which had not been the law back in those days. As a result, he was given a new trial, but the new trial never took place, not because he was found to be not guilty but because Mrs. Harshberger, the key witness was dead and the other evidence was not brought out because some of it had been suppressed.

Mr. President, another point is that Mr. Kent's position before this Body is that he obtained a written statement from one of the State Policemen, a Vincent Bunch, that said that Mr. Bunch, who was seventy-eight years of age at the time, believed that Mr. Kent was innocent and that Stella Harshberger had lied at the trial. However, Mr. Bunch testified on the motion to suppress Stella Harshberger's testimony three years before and specifically said that he believed Stella Harshberger and therefore, his written statement three years later is contradicted by a statement in the hearing, under oath, in which he said he believed that she was telling the truth, or had no reason to believe she was not.

Mr. President, I do not think this is the kind of case which we have had before in this Body, where there is a

clear case of mistaken identity. There is no mistaken identity here. It is a muddy case as to exactly what happened. The man was released not because he was found to be innocent or because somebody else confessed but because the evidence for a new trial was no longer around.

Mr. President, I might also mention that the man was out on parole at the time this alleged murder was supposed to have taken place.

Senator EWING. Mr. President, will the gentleman tell us the sources of his information relative to this case?

Senator HILL. Mr. President, the sources of information are the parole records, the transcript of the motion to suppress the testimony in 1970, the transcript of a hearing on the Post Conviction Hearing Act, the court opinions on those two matters, the Supreme Court opinion confirming his conviction in 1943, and also the criminal record of the man.

Senator EWING. I thank the gentleman, Mr. President. I was totally and completely misled and misinformed several months ago. At this time I would urge my colleagues 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—5

Arlene, Coppersmith,	Hankins,	McKinney,	Murphy,
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NAYS—45

Ammerman, Andrews, Bell, Cianfrani, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame, Hager,	Hess, Hill, Hobbs, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lewis, Lynch,	Manbeck, Mellow, Messinger, Moore, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

PREFERRED APPROPRIATION BILL ON
THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,
Shall the bill pass finally?

Senator DUFFIELD. 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 DUFFIELD. Mr. President, will the gentleman advise us as to whether or not this amount of \$1.7 million was included in the budget which we recently passed?

Senator CIANFRANI. No, it was not, Mr. President.

The budget was prepared prior to the decision to move the lab in this hospital.

Senator DUFFIELD. Mr. President, in other words this then reflects an additional \$1.7 million to the Department of Health which we did not vote on a few weeks ago when the budget was passed?

Senator CIANFRANI. The gentleman is correct, Mr. President.

Senator DUFFIELD. Mr. President, for that reason I will vote against the bill because I do not think that we should start these deficiency appropriations so soon after passing the \$4.7 billion budget.

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

NAYS—3

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

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

PREFERRED APPROPRIATION BILL
OVER IN ORDER

HB 2458—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND
FINAL PASSAGE

SB 121 (Pr. No. 2049)—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—50

Ammerman,	Hager,	Manbeck,	Reibman,
Andrews,	Hankins,	McKinney,	Romanelli,
Arlene,	Hess,	Mellow,	Ross,
Bell,	Hill,	Messinger,	Scanlon,
Cianfrani,	Hobbs,	Moore,	Smith,
Coppersmith,	Holl,	Murphy,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelrhr,	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 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 ON THIRD CONSIDERATION AMENDED

HB 485 (Pr. No. 3405)—Considered the third time,

On the question,

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

Amend Sec. 1 (Sec. 7), page 15, by inserting between lines 13 and 14:

(m) A "Notice of Cancellation" which contains the form and content required by rule or regulation of the Federal Trade Commission shall be deemed to be in compliance with the requirements of this section.

On the question,

Will the Senate agree to the amendment?

Senator MURPHY. Mr. President, the purpose of the amendment is simply to provide compliance with the Federal law and will be tantamount to compliance with this act in Pennsylvania, that if you complete the FTC form, it will be accepted by the Commonwealth agency. If there are any questions, I will be happy to answer them for the Members.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Sec. 1 (Sec. 2), page 5, line 1, by removing the semicolon after "needed" and inserting a period

Amend Sec. 1 (Sec. 2), page 5, lines 2 through 11, by striking out all of said lines

Amend Sec. 1 (Sec. 3), page 5, line 15, by striking out "(XVIII)" and inserting: (xv)

Amend Sec. 1 (Sec. 3), page 5, line 16, by striking out "and regulations promulgated under section 3.1 of this act"

Amend Sec. 1 (Sec. 4), page 6, lines 1 and 2, by striking out "or the solicitor of any county or city of the first or second class"

Amend Sec. 1 (Sec. 6), page 7, line 13, by striking out "or district attorney"

Amend Sec. 1 (Sec. 6), page 7, line 17, by striking out "IN THE CASE OF THE ATTORNEY GENERAL,"

Amend Sec. 1 (Sec. 6), page 7, lines 18 and 19, by striking out "AND, IN THE CASE OF A DISTRICT ATTORNEY, TO THE APPROPRIATE COURT OF COMMON PLEAS,"

Amend Sec. 1 (Sec. 6), page 8, lines 4 and 5, by striking out "or the district attorney's"

Amend Sec. 1 (Sec. 6), page 9, lines 1 and 2, by striking out "or the district attorney"

Amend Sec. 1 (Sec. 6), page 9, lines 7 and 8, by striking out "or the district attorney."

Amend Sec. 1 (Sec. 6), page 9, lines 10 and 11, by striking out "or the district attorney"

Amend Sec. 1 (Sec. 6), page 9, line 14, by striking out "the district attorney"

Amend Sec. 1 (Sec. 6), page 9, line 15, by striking out the bracket before "him"

Amend Sec. 1 (Sec. 6), page 9, line 15, by striking out "]" either"

Amend Sec. 1 (Sec. 6), page 10, line 16, by striking out "or the district attorney,"

Amend Sec. 1 (Sec. 8), page 15, lines 23 and 24, by striking out "the appropriate District Attorney, or solicitor"

Amend Sec. 1 (Sec. 8), page 15, line 30; page 16, line 1, by striking out "or the" in line 30, page 15 and "appropriate District Attorney," in line 1, page 16

Amend Sec. 1 (Sec. 9), page 16, line 9, by striking out "or District Attorney,"

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, my amendments accomplish three purposes. The first is that failure to acquire the license by someone intending to enter into sales in the community, makes it a serious crime. It is suggested that every municipality that wants to regulate those persons who come into the community now by local ordinance have the requirement to acquire a license and impose some sort of summary penalty with respect to that, and that this is an overkill. As a matter of fact, the amendments which are in these particular amendments are overkill of a particular situation.

The second is, it deals with a matter which has been around since the old common law, and is regarded as a breach contract. The language would purport to say this, it provides that repairs or improvements of a "nature or quality inferior to or below the standard of that promised" is language which has been treated for years as being subjective and if a condition of that kind exists between a buyer and a seller, it should be a matter of contract rather than a matter of penal consideration.

The third is in like nature, that to define an unfair and deceptive practice as "conduct which creates a likelihood of confusion or of misunderstanding" is similarly the type of language that is both ambiguous and is an overkill of a situation and I do not think really intended.

That is the substance of these particular amendments to this particular bill. I do not think in any instance we would want to make these matters criminal offenses, that they are subject matters which often are inadvertent and types of things which happen between buyers and sellers. To continually make criminals out of people for failing to do very miniscule type things is to be disregarded, as I see it.

As I say, the subject matters have been covered by existing rules and regulations and contract laws as we now know them.

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 ZEMPRELLI.

BILL OVER IN ORDER

HB 556—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 596 (Pr. No. 3133)—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—50

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

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

HB 797 (Pr. No. 3355)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 602), page 2, line 11, by inserting brackets before and after "in the county jail"

Amend Sec. 1 (Sec. 602), page 3, line 2, by inserting brackets before and after "in the county jail"

Amend Sec. 1 (Sec. 602), page 3, line 3, by inserting brackets before and after "one year" and inserting immediately thereafter: two years

On the question,

Will the Senate agree to the amendments?

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

(The Senate was at ease.)

Senator HILL. Mr. President, I will withdraw the amendments today.

The PRESIDENT pro tempore. The Chair hears no objection.

Senator NOLAN. Mr. President, I request that House Bill No. 797 go over in its order.

The PRESIDENT pro tempore. Without objection, the bill will go over in its order.

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

BILL ON THIRD CONSIDERATION AMENDED.

SB 1170 (Pr. No. 2034)—Considered the third time,

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

Amend Sec. 2 (Sec. 1316), page 4, line 5, by striking out "municipalities" and inserting: political subdivisions

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator MURPHY.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1172 (Pr. No. 1913)—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—42

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

NAYS—8

Ewing,	Frame,	Howard,	Tilghman,
Fleming,	Hobbs,	Orlando,	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 1243 (Pr. No. 2038)—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 DUFFIELD. Mr. President, I rise to oppose this bill. I will not go into detail with the same arguments we had last week over the amendment of the gentleman from Blair, Senator Jubelirer. I think it is bad legislation. I think it will open a Pandora's box. One of the penalties imposed here is very strict. A husband and wife has a disagreement; one of them can go before the Court of Common Pleas and the judge, after hearing, can order the husband or the wife—it is usually the husband in this case—to vacate from the premises for a period of one year from a house that, presumably, he might have worked for and on which he paid the mortgage, also making custody agreements by

this order wherein we have custody agreements in another type of court. I know in our county we have not had a husband and wife fighting case in the courts for as long as I can remember. I do not think there is that much of a need for it. It would open up a Pandora's box to every family squabble. There does not have to be a touching here; there has to be a threat made by one of the two parties to the other.

From a practical matter, Mr. President, I think the law requires that the court shall have a hearing within ten days upon filing of the petition. In Fayette County, we have terms of criminal court and terms of civil court where the court is very busy at certain times of the year, devoting their time to these particular serious cases. If a petition is presented, the court must give this precedence over all other cases. We could have a murder case going on in each of our three courtrooms, yet the court, under this bill, would have to recess the court cases in order to hear this husband and wife fighting case, because the bill says it must be heard within ten days upon presentation of the petition by the aggrieved parties. I do not know of any other section of our law that requires the court to hold a hearing within a specified time. We have injunctions, we have preliminary injunctions as far as that is concerned, but there are no prescribed times presented in the law for those.

Mr. President, this would be novel and require the court, upon the petition of, usually, a wife in this case—or a husband if he gets beat up by the wife or if he is threatened by the wife he could come into court too, we realize that—but the court must relegate everything else to secondary and must hold this hearing within ten days.

Mr. President, we do not think it is practical, we do not think it is necessary and, as stated before, we believe that it would certainly open up a nest for litigation between aggrieved husbands and wives. The penalties are very severe—upon one of the parties being banished from his house, if the court sees fit, for a period of one year—when one is not able to return to a house that he might have paid the mortgage on and has kept the property in repair and sacrificed for it himself.

Mr. President, we realize in some areas there is a necessity for some kind of determination of these marital disputes but we do not think this is the way to go.

Senator JUBELIRER. Mr. President, I rise to urge support for what I consider an extremely important piece of legislation in this day and age. I respectfully disagree with my colleague when he says that this kind of legislation is not needed. I think the statistics and the circumstances have indicated overwhelmingly that the abused spouse issue is one of the most significant issues in the Commonwealth today if not in the nation.

I think, Mr. President, that my honorable colleague states that the court can take away his home for a year; if he reads it, that is only up to one year and it is only one remedy. The court has the obligation to try other remedies as well. That would be the ultimate, Mr. President. There are many things in the bill that will contain tremendous safeguards. I think this is a progressive piece of legislation, one that is very badly needed and I urge my colleagues to vote in the affirmative.

Senator HILL. Mr. President, just one point. In England they have eighty-two shelters for women who

are abused in their homes and in this country there are only two. I think that gives you some idea of the scope of this problem.

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,
Dwyer,	Kelley,	Myers,	Stauffer,
Early,	Kury,	Nolan,	Sweeney,
Ewing,	Lentz,	Noszka,	Tilghman,
Fleming,	Lewis,	O'Pake,	Wood,
Frame,	Lynch,	Orlando,	Zemprell,
Hager,			

NAYS—1

Duffield,

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 ON THIRD CONSIDERATION AMENDED

HB 1310 (Pr. No. 3474)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 2, line 3, by inserting after "be": deemed to have been

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1313 (Pr. No. 2040)—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—50

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

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 1363 (Pr. No. 1659)—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—50

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

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 1409 (Pr. No. 3542)—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—50

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

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.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—1

Sweeney,

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 ON THIRD CONSIDERATION AMENDED

SB 1435 (Pr. No. 1789)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 3, by inserting between lines 2 and 3:

Section 2. Title to the above described tract of land shall revert to the Commonwealth of Pennsylvania when the Philadelphia Electric Company ceases to use the land for the purpose of expanding its Cromby Generating Station.

Amend Sec. 2, page 3, line 3, by striking out "2." and inserting: 3.

Amend Sec. 3, page 3, line 8, by striking out "3." and inserting: 4.

On the question,

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 KURY.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Romanelli,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Moore,	Snyder,
Dougherty,	Holl,	Murphy,	Stapleton,
Duffield,	Howard,	Murray,	Stauffer,
Dwyer,	Jubelirer,	Myers,	Sweeney,

Early,
Ewing,
Fleming,

Kelley,
Kury,
Lentz,

Nolan,
Noszka,
O'Pake,

Tilghman,
Wood,
Zemprelli,

NAYS—2

Messinger,

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 without amendments.

BILL ON THIRD CONSIDERATION AMENDED

SB 1478 (Pr. No. 1843)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

ANDREWS AMENDMENTS

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

Amend Sec. 1 (Subchap. Analysis), page 9, by inserting between lines 9 and 10: 304. Objection by members of the General Assembly.

Amend Sec. 1 (Subchap. Analysis), page 9, line 10 by striking out "304" and inserting: 305

Amend Sec. 1 (Subchap. Analysis), page 9, line 11 by striking out "305" and inserting: 306

Amend Sec. 1 (Subchap. Analysis), page 9, line 12 by striking out "306" and inserting: 307

Amend Sec. 1 (Subchap. Analysis), page 9, line 13 by striking out "307" and inserting: 308

Amend Sec. 1 (Subchap. Analysis), page 9, line 14 by striking out "308" and inserting: 309

Amend Bill, page 11 by inserting between lines 11 and 12:

§ 304. Objection by member of General Assembly.

(a) Objection to regulation, generally.—If five or more members of the Senate or five or more members of the House of Representatives object to any regulation, promulgation, change or repeal proposed pursuant to Chapter 3, which objection shall be communicated in writing to the agency proposing the same and to the Secretary of the Senate and Chief Clerk of the House of Representatives, within 30 days of such notice, the agency shall not act further as to the regulation until legislative approval therefor is given, notwithstanding the provisions of section 303.

(b) Procedure.—Legislative approval or disapproval as to any proposed regulation, promulgation, change or repeal objected to by five or more legislators shall be given in the same manner as is required for reorganization plans pursuant to the act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955."

(c) Approval or disapproval.—If a proposed regulation, promulgation, change or repeal is disapproved by the General Assembly, it shall not be again offered for a year. If approved the agency shall proceed to its final adoption.

(d) Exception.—The provisions of this section shall not apply to rules or regulations promulgated by the Fish or Game Commissions.

Amend Sec. 1 (Sec. 304), page 11, line 12 by striking out "304" and inserting: 305

Amend Sec. 1 (Sec. 305), page 12, line 7 by striking out "305" and inserting: 306

Amend Sec. 1 (Sec. 306), page 13, line 4 by striking out "306" and inserting: 307

Amend Sec. 1 (Sec. 307), page 13, line 12 by striking out "307" and inserting: 308

Amend Sec. 1 (Sec. 308), page 13, line 22 by striking out "308" and inserting: 309

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

Senator ANDREWS. Mr. President, these amendments basically encompass the content of Senate Bill No. 526, which we passed several months ago. This would require legislative approval of regulations when Members of the General Assembly agreed that they needed revision or when five Members of the General Assembly objected. These amendments do, however, remove the Fish and Game Commissions from that particular concept. Is there any further inquiry, Mr. President?

Senator COPPERSMITH. Mr. President, I request a roll call on these amendments. I think we have been through this once before. This proposal, in my opinion, is blatantly unconstitutional. There is no precedent in any of the fifty states to support it. We got into trouble with the Fish and Game Commissions, and I assure you gentlemen that you are going to get into trouble with some other agency if you pass these amendments.

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

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

YEAS—25

Andrews,	Frame,	Kury,	Orlando,
Bell,	Hager,	Lentz,	Romanelli,
Cianfrani,	Hess,	McKinney,	Smith,
Dougherty,	Holl,	Moore,	Stauffer,
Dwyer,	Howard,	Myers,	Tilghman,
Ewing,	Jubelirer,	Nolan,	Wood,
Fleming,			

NAYS—25

Ammerman,	Hobbs,	Messinger,	Ross,
Arlene,	Kelley,	Murphy,	Scanlon,
Coppersmith,	Lewis,	Murray,	Snyder,
Duffield,	Lynch,	Noszka,	Stapleton,
Early,	Manbeck,	O'Pake,	Sweeney,
Hankins,	Mellow,	Reibman,	Zemprell,
Hill,			

So the question was determined in the negative, and the amendments were defeated.

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

FRAME AMENDMENTS

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

- Sec. 1 (Sec. 102), page 7, line 12, by inserting after "all": executive
- Sec. 1 (Sec. 102), page 7, line 14, by inserting after "particular": executive
- Sec. 1 (Sec. 102), page 7, line 15, by inserting after "an": executive
- Sec. 1 (Sec. 102), page 7, line 16, by inserting after "the": executive
- Sec. 1 (Sec. 102), page 7, line 18, by inserting after "the": executive
- Sec. 1 (Sec. 102), page 7, line 19, by inserting after "the" where it appears the second time: executive
- Sec. 1 (Sec. 102), page 7, line 21, by inserting after "the": executive
- Sec. 1 (Sec. 102), page 7, line 24, by inserting after "uniform": executive
- Sec. 1 (Sec. 102), page 7, line 28, by inserting after "an": executive

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

Senator FRAME. Mr. President, my colleagues will note on page 5, line 26, the definition of "government agency" in this bill specifically is so broad as to include all political subdivisions, municipal or other local authority or any officer or agency of any such political subdivision of local authority.

If the amendments which I have offered would be agreed to, their effect would be to limit the power of review and oversight of the Department of Justice simply to the Executive Branch of government rather than to allow them to intrude into the local governments of Pennsylvania.

Senator NOLAN. Mr. President, I request a roll call on the amendments.

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

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

YEAS—44

Andrews,	Hager,	Lynch,	Orlando,
Arlene,	Hankins,	Manbeck,	Reibman,
Bell,	Hess,	McKinney,	Romanelli,
Cianfrani,	Hobbs,	Mellow,	Ross,
Dougherty,	Holl,	Messinger,	Smith,
Duffield,	Howard,	Moore,	Snyder,
Dwyer,	Jubelirer,	Murphy,	Stapleton,
Early,	Kelley,	Murray,	Stauffer,
Ewing,	Kury,	Myers,	Tilghman,
Fleming,	Lentz,	Nolan,	Wood,
Frame,	Lewis,	Noszka,	Zemprell,

NAYS—6

Ammerman,	Hill,	Scanlon,	Sweeney,
Coppersmith,	O'Pake,		

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

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

RECONSIDERATION OF ANDREWS AMENDMENTS

Senator ANDREWS. Mr. President, I move that the Senate reconsider the vote by which the amendments which I offered to Senate Bill No. 1478 failed, and ask if we could have an immediate reconsideration of the same.

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

ANDREWS AMENDMENTS

The Clerk re-read the amendments as follows:

- Amend Sec. 1 (Subchap. Analysis), page 9, by inserting between lines 9 and 10: 304. Objection by members of the General Assembly.
- Amend Sec. 1 (Subchap. Analysis), page 9, line 10 by striking out "304" and inserting: 305
- Amend Sec. 1 (Subchap. Analysis), page 9, line 11 by striking out "305" and inserting: 306
- Amend Sec. 1 (Subchap. Analysis), page 9, line 12 by striking out "306" and inserting: 307
- Amend Sec. 1 (Subchap. Analysis), page 9, line 13 by striking out "307" and inserting: 308
- Amend Sec. 1 (Subchap. Analysis), page 9, line 14 by striking out "308" and inserting: 309
- Amend Bill, page 11 by inserting between lines 11 and 12:
§ 304. Objection by member of General Assembly.

(a) Objection to regulation, generally.—If five or more members of the Senate or five or more members of the House of Representatives object to any regulation, promulgation, change or repeal proposed pursuant to Chapter 3, which objection shall be communicated in writing to the agency proposing the same and to the Secretary of the Senate and Chief Clerk of the House of Representatives, within 30 days of such notice, the agency shall not act further as to the regulation until legislative approval therefor is given, notwithstanding the provisions of section 303.

(b) Procedure.—Legislative approval or disapproval as to any proposed regulation, promulgation, change or repeal objected to by five or more legislators shall be given in the same manner as is required for reorganization plans pursuant to the act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955."

(c) Approval or disapproval.—If a proposed regulation, promulgation, change or repeal is disapproved by the General Assembly, it shall not be again offered for a year. If approved the agency shall proceed to its final adoption.

(d) Exception.—The provisions of this section shall not apply to rules or regulations promulgated by the Fish or Game Commissions.

Amend Sec. 1 (Sec. 304), page 11, line 12 by striking out "304" and inserting: 305

Amend Sec. 1 (Sec. 305), page 12, line 7 by striking "305" and inserting: 306

Amend Sec. 1 (Sec. 306), page 13, line 4 by striking out "306" and inserting: 307

Amend Sec. 1 (Sec. 307), page 13, line 12 by striking out "307" and inserting: 308

Amend Sec. 1 (Sec. 308), page 13, line 22 by striking out "308" and inserting: 309

On the question,

Will the Senate agree to the amendments?

Senator COPPERSMITH. Mr. President, inasmuch as the bill has been amended and must go over in its order, would the gentleman from Lawrence, Senator Andrews, object to voting these amendments tomorrow?

Senator ANDREWS. Mr. President, in answer to the question, I would say that the bill is on its ninth day now, and if we would amend it tomorrow then, of course, the bill would die. The bill has already been amended today.

Senator COPPERSMITH. Mr. President, I withdraw my request. I did not realize it was on the ninth day.

Mr. President, as I understand the amendments which were just put in by the gentleman from Venango, Senator Frame—and please correct me if I am wrong—they eliminate the power of the Department of Justice to investigate any reports of corruption or the like in any municipal body whatsoever.

These amendments, as I understand them, allow any five Members of the General Assembly to object to any rule or regulation promulgated by the Executive Branch. I must say that this bill, which started out in a rather innocuous fashion, is turning into one which creates the most major constitutional and structural changes in Pennsylvania government which I have witnessed in a number of years.

Mr. President, I would appreciate it if the gentleman would describe in detail his amendments so we will know what we voted on in the previous amendments, and we will understand the basic governmental changes we are

contemplating with these amendments and the previous ones.

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

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

Senator FRAME. I will, Mr. President.

Senator COPPERSMITH. Mr. President, would the gentleman please describe the exact effect of the amendments which were just introduced into this bill in relation to the Department of Justice?

Senator FRAME. Mr. President, in response to the gentleman's inquiry, let me note that the bill as it was before us, before the amendments, gave the Department of Justice the power to promulgate, amend or repeal general rules of administrative practice for agencies. Then the bill, on page 5 thereof, so identified government agencies, in line 26, as to include all municipal or local authorities. The amendments which were offered by me and which were adopted by the Senate confine the supervision of the Department of Justice over administrative procedure simply to branches of the Executive Branch of State government rather than local governmental entities and independent agencies.

Mr. President, I would hope that that would clarify the matter for my colleagues and for the gentleman from Cambria, Senator Coppersmith.

Senator ORLANDO. Mr. President, before we have a roll call, will the gentleman from Lawrence, Senator Andrews, explain his amendments again?

Senator ANDREWS. Mr. President, these amendments are basically the same as Senate Bill No. 526 which passed this Body by an overwhelming majority several weeks ago. They provide if any five Members of the General Assembly disagree with a regulation promulgated by an administrative department, that it can be placed on the Senate and House Calendars, much as the reorganization plans are, and be voted upon by the Members as a whole. The amendments are the same as Senate Bill No. 526 with the exception that they omit the Fish and Game Commissions because a lot of sportsmen had raised questions. To eliminate that controversy, but yet to bring the legislative arm of the government into some control over the administrative department, I offer these amendments with that particular deletion.

Senator MELLOW. Mr. President, when we voted on the amendments the first time, I voted against them because I was a little confused as to just exactly what amendments the gentleman from Lawrence, Senator Andrews, offered. We did not have them in our caucus today. However, I was one of the sponsors of Senate Bill No. 526 and a very strong supporter of that particular type of principle. In the Environmental Quality Board meetings that we have had, Senate Bill No. 526 has come under attack by both the Game and the Fish Commissions, because they are afraid we might regulate the dates they would allow various types of hunting and fishing to take place. I think the only way we can pass the concept that was in Senate Bill No. 526 is by adopting the amendments of the gentleman from Lawrence, Senator Andrews, to this particular piece of legislation and for that reason, I shall be changing my vote from "no" to "yes."

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—32

Andrews, Bell, Cianfrani, Dougherty, Duffield, Dwyer, Ewing, Fleming,	Frame, Hager, Hankins, Hess, Hobbs, Holl, Howard, Jubeltreer,	Kury, Lynch, McKinney, Mellow, Moore, Myers, Nolan, Noszka,	Orlando, Reibman, Smith, Snyder, Stauffer, Tilghman, Wood, Zemprelli,
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NAYS—16

Ammerman, Coppersmith, Early, Hill,	Kelley, Lewis, Manbeck, Messinger,	Murphy, Murray, O'Pake, Romanelli,	Ross, Scanlon, Stapleton, Sweeney,
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So the question was determined in the affirmative, and the amendments were agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1478 will go over, as amended.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1487 (Pr. No. 1853)—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—50

Ammerman, Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hankins, Hess, Hill, Hobbs, Holl, Howard, Jubeltreer, 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 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 1498 (Pr. No. 3478)—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 EARLY. 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—27

Arlene,	Ewing,	Lewis,	Orlando,
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Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early,	Fleming, Frame, Hankins, Hill, Holl, Kelley,	Lynch, McKinney, Mellow, Murray, Nolan, Noszka,	Romanelli, Ross, Scanlon, Smith, Zemprelli,
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NAYS—23

Ammerman, Andrews, Bell, Hager, Hess, Hobbs,	Howard, Jubeltreer, Kury, Lentz, Manbeck, Messinger,	Moore, Murphy, Myers, O'Pake, Reibman, Snyder,	Stapleton, Stauffer, Sweeney, Tilghman, 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 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 RECOMMENDED

SB 1512 (Pr. No. 2035) and **SB 1513 (Pr. No. 1890)**—Upon motion of Senator NOLAN, and agreed to, the bills were recommended to the Committee on Business and Commerce.

SB 1520 (Pr. No. 1897)—Upon motion of Senator NOLAN, and agreed to, the bill was recommended to the Committee on Law and Justice.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1538 (Pr. No. 3469)—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

Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame, Hager,	Hankins, Hess, Hill, Hobbs, Holl, Howard, Jubeltreer, 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—1

Ammerman,

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

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

BILL OVER IN ORDER

SB 1547—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL RECOMMENDED

HB 1579 (Pr. No. 3507)—Considered the third time,

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

AMENDMENT OFFERED

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

Amend Sec. 3, page 2, line 28, by striking out "immediately." and inserting: January 1, 1978.

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

AMENDMENT WITHDRAWN

Senator KELLEY. Mr. President, I ask unanimous consent to withdraw my amendment.
The PRESIDENT pro tempore. The Chair hears no objection.

MOTION TO RECOMMIT

Senator NOLAN. Mr. President, I move that House Bill No. 1579 be recommitted to the Committee on State Government.

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

The PRESIDENT pro tempore. House Bill No. 1579 will be recommitted to the Committee on State Government.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1607 (Pr. No. 1970)—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—50

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

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 1619 (Pr. No. 3572)—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—50

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

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.

HB 1752 (Pr. No. 2654)—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,	Oriando,	Zemprelli,
Frame,			
Hager,			

NAYS—1

Bell,

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 1764 (Pr. No. 2258)—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—50

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

Duffield,
Dwyer,
Early,
Ewing,
Fleming,
Frame,

Jubelirer,
Kelley,
Kury,
Lentz,
Lewis,
Lynch,

Myers,
Nolan,
Noszka,
O'Pake,
Orlando,

Stauffer,
Sweeney,
Tilghman,
Wood,
Zemprelli,

NAYS—0

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

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

HB 2141 (Pr. No. 2924)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator FRAME. Mr. President, the Senate is about to consider House Bill No. 2141, which is a desirable piece of legislation that will permit the Commonwealth to consider estimated lottery revenues when making the property tax and rent rebate payments to our senior citizens.

Mr. President, eleven months ago we approved similar legislation to permit this practice to continue for a one-year period of time. Now we are being asked to extend this practice for an additional year. All of this is desirable. But, sooner or later the short-fall of lottery revenues will catch up with us and the Commonwealth will, at that time, be forced to come up with new sources of funding for our senior citizens programs.

Mr. President, Members of this Senate have introduced permanent remedial legislation. Senate Bills No. 1227, No. 1228 and No. 1229 would abolish the separate lottery fund and provide for all lottery receipts and benefit payments to be paid to the general fund. If we would adopt this approach, our elderly would be guaranteed an available source of revenue for their benefits. It would no longer be held hostage to particular lottery promotions. Undoubtedly there may be other solutions to this problem but today's irritation will develop into tomorrow's bankrupt lottery fund unless we take serious action in the very near future.

Therefore, Mr. President, I would urge support for this temporary legislation today but, even more importantly, I would urge my colleagues to give serious thought to long range solutions of providing adequate funding in order to sustain the needed senior citizen programs.

Senator NOLAN. Mr. President, this is the same thing that we did last year as the gentleman from Venango, Senator Frame, pointed out, for a period of a year. However, the anticipated revenue last year was more than anticipated. This year this is absolutely necessary. We have the checks already made out and signed but they cannot be mailed out, without this legislation, to the senior citizens.

Mr. President, I ask for a vote in the affirmative on this bill.

Senator BELL. 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 BELL. Mr. President, when I read this bill, on page 2, line 4, I read that the amounts allowed as tax or

rent rebates shall be reduced. Now, my question to the Majority Leader: Am I correct that there is no intent to reduce the amounts paid for rent or tax rebate?

Senator NOLAN. Mr. President, there is no intent on the part of the Lottery Commission to reduce the rebates of rent and tax relief this year. However, it is the same wording we had last year, that if the revenues this year, because of the anticipated tax revenues last year that were used, fell below what we actually anticipated, then it would have required that this year it be reduced. However, that did not happen. Therefore, they are not reduced this year in anticipation of the revenues that will come in this year.

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—50

Ammerman,
Andrews,
Arlene,
Bell,
Cianfrani,
Coppersmith,
Dougherty,
Duffield,
Dwyer,
Early,
Ewing,
Fleming,
Frame,

Hager,
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,
Wood,
Zemprelli,

NAYS—0

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

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

HB 2202 (Pr. No. 2884)—Considered the third time,

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

Amend Title, page 1, line 11, by removing the period after "incorporation" and inserting: ; and further providing for distribution of pari-mutuel pools.

Amend Bill, page 2, by inserting between lines 12 and 13:

Section 2. Section 17 of the act, amended December 30, 1974 (P. L. 1115, No. 358), is amended to read:

Section 17. Disposition of Pari-mutuel Pools.—Every corporation authorized under this act to conduct pari-mutuel betting at a thoroughbred horse race meeting on races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment before April first of the year following the year of their purchase, less seventeen percent of the total deposits plus the breaks. At the close of each racing day, the permit holder out of the amount retained on said day by said permit holder, shall pay, through the Department of Revenue into the State Treasury for credit to the State Horse Racing Fund, a tax of four and three-quarters percent of the amount wagered each day, which tax is hereby imposed. Provided, however, That any permit holder (i) whose total deposits in their

pari-mutuel pool average less than three-hundred thousand dollars (\$300,000) a day for the previous meeting of the permit holder; (ii) which has sustained an operating loss before depreciation but after debt service, which loss shall be determined from the financial statements of the permit holder filed with and approved by the State Horse Racing Commission; and (iii) subject to the approval of the State Horse Racing Commission, shall pay, through the Department of Revenue into the State Treasury for credit to the State Horse Racing Fund, a tax of two and three-quarters percent of the amount wagered each day. At the close of each racing day the permit holder shall pay one-half of one percent of the amount wagered through the Department of Revenue into the State Treasury which shall be credited to the Pennsylvania Breeding Fund by the Treasury Department, which fund is hereby appropriated to the State Horse Racing Commission for distribution in accordance with the terms of this act, and as to thoroughbred horse race meetings held within school districts of the first class the permit holder shall pay the school district in which the thoroughbred horse race meeting is held a tax of two percent of the amount wagered each day, which tax is hereby imposed for general school purposes. The remainder shall be retained by the permit holder of which at least five percent of the amount wagered each day shall be paid in purse money.

During the calendar years 1975 and 1976 the amount paid to the Pennsylvania Breeding Fund shall not exceed one million two hundred fifty thousand dollars (\$1,250,000) per annum. The excess moneys, if any, shall be divided in proportion to the amount wagered among the permit holders in 1975 and 1976 and shall be used exclusively for purses.

In addition, each permit holder shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of fifty percent of the total sum of such odd cents, which tax is hereby imposed and shall be paid by the permit holder at the close of each racing day to the Department of Revenue for credit to the State Horse Racing Fund.

Amend Sec. 2, page 2, line 13, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

Senator ORLANDO. Mr. President, what these amendments do is actually reduce the amount by two per cent that the Commonwealth would get from the pari-mutuel betting. At the present time the Commonwealth receives four and three-quarters per cent. These amendments would reduce that by two per cent for Commodore Downs or any other track which revenue does not come up to \$300,000 of pari-mutuel betting in any racing day.

For the past two summers Interstate 90 in our Erie County area has been torn up, and this has affected the number of people who have been going to Commodore Downs. There are about fifty days remaining in our racing season, and these amendments would help.

I would like to read excerpts of a letter which I received from the State Horse Racing Commission. It states as follows:

"Please be advised that this matter has been discussed with the Chairman and Counsel of this Commission and the Commission would support such an amendment.

"Also, for your information, there are other racing juris-

dictions that allow for preferential take-outs to racing associations producing a relatively small volume of business.

"Of great concern to the Commission is the possibility that without some help Commodore Downs may be forced to close its doors and cease operations. This would not be in the best interest of racing in general and racing, in particular, that is conducted in the Commonwealth. Of equal concern is the loss of the economic factors that are produced from racing at Commodore Downs in Erie County."

Senator TILGHMAN. Mr. President, I rise to oppose these amendments. Commodore Downs was not one of the original tracks in Pennsylvania. I do not quite know when we did, but we increased the number of tracks from four to five and Commodore Downs became a racing facility in Pennsylvania. It never should have existed in the first place.

The population is not in that particular part of the State to justify flat track. Flat tracks or thoroughbred racing depend on population to make money, and you must have the population.

What has happened is that Commodore Downs, for many reasons, not just for the reason of the highway, has lost money and is losing money. I had some of my staff, for various reasons not particularly connected with this bill, get into the operations of Commodore Downs race track. We took every winning horse last year—that is approximately a thousand horses—and we put alongside the horse the number of the drug test, then we checked with the labs relative to the drugs and we are running cross references on the drug testing at Commodore Downs. That is not what you would call a very happy picture; and we are still working on that.

However, I am familiar with the operation of Commodore Downs. What you are doing by these amendments is saying the Commonwealth will receive less money—it does not receive much anyway. In essence, you are taking a track which is not making money, may go bankrupt and the State is coming to the rescue.

Mr. President, I do not think this is the proper function of the pari-mutuel pool or the State's share of the money. I can see where, in some of the harness racing tracks and other thoroughbred racing tracks in Pennsylvania, if this is allowed at Commodore Downs, they will say, "Ah, let us cut the State's share, put it into our pool."—that is the owner's pool, the stockholders who own the track,— "This way we will get more money and be able to survive a little bit longer." Eventually they will go under. In the meantime, we are subsidizing a bankrupt operation and we should not be doing it.

Mr. President, I would therefore request a roll call vote on these amendments and ask for a negative vote.

Senator FRAME. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator FRAME. Mr. President, will the gentleman from Erie, the sponsor of these amendments, indicate to his colleagues in the Senate the estimated amount of dollars which would be diverted from the support of the Commonwealth's obligations to the assistance of the investors in this race track, private individuals?

Senator ORLANDO. Mr. President, first, I do not know whether you would call it "to the assistance of the investors." There are also approximately 300 jobs involved here, plus the economic impact it will have on the area, with the existence of the track. However, I estimate it would be about \$3,000 per day or for each pari-mutuel betting day that the loss would be to the Commonwealth, if you want to call it a loss. I do not call it a loss. If the track closes, it would be four and three-quarter per cent less than what the Commonwealth is receiving now.

Senator MELLOW. Mr. President, I would also like to point out that these amendments do not only take in the Commodore Downs track in Erie. It would also take in several other tracks, at least one other track in Pennsylvania which is not doing an average handle of \$300,000 per day. I think the estimates which have been given by the gentleman from Erie, Senator Orlando, might be relatively low if you would look and see exactly what is being brought in by the other tracks which are not doing \$300,000 per day.

Mr. President, I think at this time I would have to concur with the gentleman from Montgomery, Senator Tilghman, and ask that a "no" vote be cast.

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

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

YEAS—6

Dwyer, Early,	Kelley, Murphy,	Orlando,	Scanlon,
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NAYS—42

Ammerman, Andrews, Bell, Coppersmith, Dougherty, Duffield, Ewing, Fleming, Frame, Hager, Hankins,	Hess, Hill, Hobbs, Holl, Howard, Jubelirer, Kury, Lentz, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murray, Myers, Nolan, Noszka, O'Pake, Reibman,	Romanelli, Ross, Smith, 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.

On the question,
Shall the bill pass finally?

Senator WOOD. Mr. President and Members, I would like to call your attention to House Bill No. 2202 and what this bill is attempting to do. We have just heard from the gentleman from Erie, Senator Orlando, that the Commodore Downs track in Erie is having financial difficulty. The Shamrock Racing Association which was created to operate at Pocono Downs in Luzerne County, I believe operated there for two years and now they have been running their days down here at Penn National which I am all in favor of.

However, it seems to me, Mr. President, that the Racing Commission, if they were doing their job, would check these tracks, would see that they were financially sound and if they were not financially sound, they would

do just as is done in ordinary business, they would close the track down, declare them insolvent and reallocate the racing days for the benefit of all of Pennsylvania, not for the benefit of a bunch of Shylock race track owners.

Now, those of you who have paid attention to the doings at Pocono Downs know that we have had all kinds of unsavory antics by unsavory characters. It has been well publicized in the newspapers. But for all of that nobody on either the Racing Commission or the Harness Racing Commission does anything about it. It just seems to me that if we were interested, we would vote in opposition to House Bill No. 2202 today and then ask the Racing Commission and the Harness Racing Commission to go into the financial condition. If we do not want them to do it, we can create a committee of our own and do it, and come back to the Senate and the House with a complete report about the financial condition of all of the tracks with all of the hanky-panky that is going on and if any of them do not know it, they can come see me and I will tell them about Pocono Downs.

Senator TILGHMAN. Mr. President, I would request a negative vote on this bill for some of the reasons suggested by the gentleman from Luzerne, Senator Wood. But, more importantly, at least in my thoughts, although his statements were most important, this would allow one large corporation in Pennsylvania to move into different locations, maybe they will buy them or maybe they will build them, and one corporation could control all racing in Pennsylvania. It does not say there have to be a certain number of tracks, it just says they can have licenses at locations.

Mr. President, let us suppose that a wealthy corporation, either the Pittsburgh track or Keystone, decides to buy Penn National, or buy this track or that, they can buy the track, be licensed at any number of locations in the State and we no longer have competitive racing in Pennsylvania; we have one corporation controlling the whole State as far as thoroughbred racing.

Mr. President, I request a roll call vote and I hope my colleagues will vote in the negative.

And the question recurring,
Shall the bill pass finally?

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

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

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

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

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

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

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

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

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

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

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

Senator LEWIS. 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 required by Senator TILGHMAN and were as follows, viz:

YEAS—26

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

NAYS—24

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

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

RECONSIDERATION OF HB 2202

Senator TILGHMAN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2202, Printer's No. 2884, just passed finally, and ask that the bill go over in its order.

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

Senator KELLEY. Mr. President, I request a roll call vote.

Senator TILGHMAN. Mr. President, relative to the reconsideration of the vote—and that is the motion on the floor at this time on which a roll call has been requested—I would appreciate it if the Majority Leader or somebody on the other side of the aisle could tell me what tracks are under consideration in this bill for selling their license to another corporation. Obviously, some track is under consideration in this bill; which track is it?

Senator NOLAN. Mr. President, I have no knowledge of any track that wants to sell their license.

Senator TILGHMAN. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator TILGHMAN. Mr. President, I am not trying to prolong this. I wonder if the gentleman could tell us if he is aware of the track that is under consideration?

Senator ORLANDO. No, I am not aware of any track that is under consideration. I thought that this bill pertained to getting racing dates at another track. That is all I thought this bill pertained to.

Senator TILGHMAN. Mr. President, maybe the gentleman would like to change his vote then and join me in the negative because this is relative to obtaining a license for a track. This has nothing to do with the days and it is the location of the license. As I stated before, this has nothing to do with extending the days, cutting the days, switching the days from one track to another, it

simply states that a track in Pennsylvania, under the present law, has a single license and operates at a single location. This bill says that they can have a multiple license or licenses.

Senator NOLAN. Mr. President, I would ask that the gentleman address himself to the reconsideration and not a discussion of the bill.

Senator TILGHMAN. Mr. President, I am addressing myself to the reconsideration because I felt that the vote which some of the gentlemen cast, they did not understand the bill and we now find that some of them thought it was relative to the days. It is to the location and multiple licenses.

Mr. President, I request a negative vote.

Senator MELLOW. Mr. President, the way I read the bill on line 21, it states—the only thing it does in this bill—"or locations," meaning more than one location, which would authorize a franchisee to operate at more than one location and not to give anyone an opportunity of obtaining an additional license from the Horse Racing Commission.

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

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

YEAS—21

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

NAYS—29

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

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

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

HB 2281 (Pr. No. 3130)—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—50

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

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 2353 (Pr. No. 3146)—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—50

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

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

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

BILLS OVER IN ORDER

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

RECONSIDERATION OF SB 1340

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1340 (Pr. No. 1931)—Senator LEWIS. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1340, Printer's No. 1931, passed on June 22, 1976.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator LEWIS. Mr. President, I request that Senate Bill No. 1340 go over in its order and appear on tomorrow's Final Passage Calendar.

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

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Senator NOSZKA. Mr. President, I announce a meeting of the Committee on Appropriations, to be held immediately, during which time the Senate can proceed with its business.

The PRESIDENT pro tempore. There being no objec-

tion, the Committee on Appropriations will proceed with its meeting.

PERMISSION TO ADDRESS SENATE

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

Senator REIBMAN. Mr. President, earlier in the Session, on page 6, Senate Bill No. 1478, voting under a misapprehension, I voted "yes" for the Andrews amendments. I had fully intended to vote "no."

The PRESIDENT pro tempore. The lady's remarks will be noted in the record.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

SB 1556 (Pr. No. 2079)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

SB 144 (Pr. No. 1674)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 290 (Pr. No. 3477)—The bill was considered.

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

MOTION TO REVERT TO PRIOR
PRINTER'S NUMBER

Senator MYERS. Mr. President, I move that House Bill No. 290 revert to the form it was in under Printer's No. 321.

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

Senator SNYDER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Myers.

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

Senator MYERS. I will, Mr. President.

Senator SNYDER. Mr. President, would the gentleman tell me a little about Wright's Ferry and, specifically, the Wright for whom the Ferry was named?

Senator MYERS. Mr. President, I will get back to an answer to the gentleman from Lancaster in just a minute. However, for the information of my colleagues, I would advise them that what we are doing by reverting to the prior printer's number is, we would be reverting to the bill as it passed the House with a vote of 195 to 5. Wright's Ferry Bridge was the name of the bridge as enacted by the House. The bill has been amended in the Senate Committee on Appropriations to the General Daniel B. Strickler Bridge.

I am in support of the Wright's Ferry Bridge nomination for these reasons: The Wright's Ferry Bridge has

been supported by the House Members in this Legislative District on both sides of the river. This bridge goes from Wrightsville in York County to Columbia in Lancaster County. Wright's Ferry was the only way one could get across the Susquehanna River back in the early days. As I understand it, William Wright and his brother James Wright, both served on the authority formed December 11, 1811 for the purpose of planning the first bridge built across the Susquehanna. The Wright Mansion, which has become an historic place, is being restored by public moneys. It is on the shore of the Susquehanna and was known as part of the slave underground in the 1860's.

John Wright's Ferry was established in 1730 on the east bank of the Susquehanna in Lancaster County and transported westbound travelers to the west bank, York County. John Wright's enterprise not only embraced the two counties, but also the province of Pennsylvania. The first ferry was just Indian canoes lashed together and wagons had to be unhitched and unloaded to be carried across. Later there were six flat boats which would carry two Conestoga wagons, two horses and two foot passengers. John Wright's son, John, operated the Wrightsville side and ran the hotel there. This ferry was in great command, being part of the great highway to the west for the pioneers. Often there would be teams waiting as far up as Third and Locusts Streets to be ferried across.

When the Continental Congress was in York and the Pennsylvania government in Lancaster during the British occupation of Philadelphia, the ferry carried most of the principal figures of the Revolution. As I understand it, the Declaration of Independence and the Articles of Confederation were taken across the Susquehanna at Wright's Ferry. The ferry also was heavily used to carry soldiers and supplies.

In my opinion and in the opinion of hundreds of people in that area, there could be no more significant way to acknowledge the historical importance of this bridge than to name it Wright's Ferry Bridge. There can be no more appropriate time to do it than in this year of our Bicentennial.

Senator SNYDER. Mr. President, would the gentleman tell me whether the Wright he speaks of is the same Wright for whom Wrightsville is named?

The PRESIDING OFFICER (H. Craig Lewis) in the Chair.

The PRESIDING OFFICER. Would the gentleman repeat his question?

Senator SNYDER. Mr. President, would the gentleman tell me whether the Wright for whom Wright's Ferry is named is the same Wright for whom the Borough of Wrightsville is named?

Senator MYERS. Mr. President, I cannot answer that question.

Senator SNYDER. Mr. President, I would ask that the bill go over in its order at this time. It is manifestly unfair to those of us who do have a concern about this that it be passed on when the Chamber is half empty and a committee meeting in progress. I do not want to make a difficult thing of this, but I do want to state the case for retaining the bill as it is rather than reverting.

MOTION WITHDRAWN

Senator MYERS. Mr. President, I join in that request and withdraw my motion to revert to the prior printer's number.

REQUEST FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, I request that House Bill No. 290 go over in its order.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will go over in its order.

HB 293—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL RECOMMITTED

HB 600 (Pr. No. 3473)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Urban Affairs and Housing.

BILL ON SECOND CONSIDERATION

HB 620 (Pr. No. 3547)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 748 and 835—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

SB 874 (Pr. No. 2083)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 10 by inserting after "penalties,"": further providing for the exclusion of certain items of clothing and

Amend Title, page 1, line 11 by striking out "from" and inserting: as to

Amend Sec. 1, page 1, line 14 by striking out "Section" and inserting: Clause (26) of section

Amend Sec. 1, page 1, line 15 by inserting after "amended": and the section is amended

Amend Sec. 1 (Sec. 204), page 1, by inserting between lines 18 and 19:

* * *

(26) The sale at retail or use of all vesture, wearing apparel, raiments, garments, footwear and other articles of clothing worn or carried on or about the human body but all accessories, ornamental wear, formal day or evening apparel, and articles made of fur on the hide or pelt [, or any material imitative of fur] and articles of which such fur [, real, imitative or synthetic,] is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material, and sporting goods and clothing not normally used or worn when not engaged in sports shall not be excluded from the tax.

On the question,

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.

BILLS OVER IN ORDER

SB 1248, HB 1375, 1377, 1463, SB 1531, 1559, 1560, 1561, 1562, 1563, 1569, 1620, 1621, HB 1811, 1953, 2059, 2061, 2062, 2063 and 2064—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2065 (Pr. No. 2991)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 2074 (Pr. No. 2680)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

AMENDMENTS OFFERED

Senator MYERS offered the following amendments:

Amend Sec. 1, page 1, line 25, by striking out "Clause (3)" and inserting: The introductory paragraph and clause (3)

Amend Sec. 1, page 2, line 1, by striking out "is" and inserting: are

Amend Sec. 1, page 2, line 1, by inserting after "amended": and the section is amended by adding a clause

Amend Sec. 1 (Sec. 2), page 2, line 28, by inserting after "exemptions.": In no event shall social security income or any pension benefits be included in determining total income from all sources.

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 8 and 9:

(11) To levy, assess, or collect any occupation tax or occupational privilege tax on any person who holds a status, job or position which is non-compensated and which person does not engage in any part or fulltime status, job or position.

On the question,

Will the Senate agree to the amendments?

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, it was my understanding that this bill was to go over in its order.

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

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

Senator NOLAN. I will, Mr. President.

Senator STAUFFER. Mr. President, was this bill not intended to go over in its order?

Senator NOLAN. Mr. President, I have this bill marked to be amended by the gentleman from Washington,

Senator Murphy, and the gentleman from Cumberland, Senator Myers, and then go over in its order.

Senator STAUFFER. Mr. President, it was my understanding that since, in our caucus, we did not have an opportunity to consider these amendments, the bill was to go over in its order and that they would be presented tomorrow. We did not have the opportunity to consider the amendments, and I know that in talking with the gentleman from Washington, Senator Murphy, he had agreed to withdraw his amendments for today.

Therefore, would it be in order to ask that the bill go over in its order today?

The PRESIDING OFFICER. It would be in order, Senator Stauffer, only if Senator Myers agreed to withdraw his amendments at this time.

Senator STAUFFER. Mr. President, the bill is on its first day.

AMENDMENTS WITHDRAWN

Senator MYERS. Mr. President, I withdraw my amendments and will consent to the bill going over in its order.

REQUEST FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, I request that House Bill No. 2074 go over in its order.

The PRESIDING OFFICER. Without objection, the bill will go over in its order.

HB 2117—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2142 (Pr. No. 3408)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 2172 and 2257—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2354 (Pr. No. 3268)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 2377, 2379, 2446, 2448 and 2464—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

SENATE CONCURRENT RESOLUTION, SERIAL No. 245, CALLED UP

Senator NOLAN, without objection, called up from page 18 of the Calendar, Senate Concurrent Resolution, Serial No. 245, entitled:

Memorializing Congress to defeat Waterways Users Tax.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, SERIAL No. 245, ADOPTED

Senator NOLAN. Mr. President, I move that the

Senate do adopt Senate Concurrent Resolution, Serial No. 245.

The motion was agreed to and the resolution was adopted.

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

HOUSE CONCURRENT RESOLUTION No. 269, CALLED UP

Senator NOLAN, without objection, called up from page 18 of the Calendar, House Concurrent Resolution No. 269, entitled:

Memorializing Congress to reaffirm the policy of "Universal Service" and the authority of the State Public Utilities Commissions.

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION No. 269

Senator NOLAN. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 269.

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

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

PERMISSION TO ADDRESS SENATE

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

Senator HOBBS. Mr. President, I would like to present a statement for the record.

The PRESIDING OFFICER. The Chair hears no objection and the request is granted.

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

Senator HOBBS. Mr. President, due to an unforeseen emergency situation, I was unable to be present for the morning session, last Tuesday, June 22, 1976. Had I been present I would have voted as follows on the following bills:

Senate Bill 1580—Aye
Senate Bill 1582—Aye
Senate Bill 1583—Aye
Senate Bill 1584—Aye
Senate Bill 1585—Aye
Senate Bill 1586—Aye
Senate Bill 1587—Aye
Senate Bill 1588—Aye
Senate Bill 1589—Aye
Senate Bill 1590—Aye
Senate Bill 1591—Aye
Senate Bill 1592—Aye
Senate Bill 1593—Aye
Senate Bill 1594—Aye
Senate Bill 1595—Aye
Senate Bill 1596—Aye
Senate Bill 1597—Aye
Senate Bill 1598—Aye
Senate Bill 1599—Aye

Senate Bill 1600—Aye
Senate Bill 1601—Aye
Senate Bill 1602—Aye
Senate Bill 1603—Aye
Senate Bill 1604—Aye
Senate Bill 1605—Aye
Senate Bill 1606—Aye
Senate Bill 1607—Aye
Senate Bill 1608—Aye
Senate Bill 1609—Aye
Senate Bill 1610—Aye
Senate Bill 1611—Aye
Senate Bill 1612—Aye
Senate Bill 1613—Aye
House Bill 2—Nay
House Bill 65—Aye
Senate Bill 136—Aye
House Bill 305—Aye
House Bill 615—Aye
House Bill 694—Aye
Senate Bill 959—Aye
House Bill 1089—Aye
House Bill 1196—Nay
Senate Bill 1516—Aye
Senate Bill 1556—Aye
House Bill 1643—Aye
House Bill 2294—Aye

UNFINISHED BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator SCANLON submitted the Report of Committee of Conference on **SB 852**, which was placed on the Calendar.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator SCANLON submitted the Report of Committee of Conference on **HB 1302**, which was laid on the table.

REPORTS FROM COMMITTEES

Senator MESSINGER, from the Committee on Appropriations, reported, as amended, **HB 1366**.

Senator LYNCH, from the Committee on Transportation, reported, as committed, **HB 1145, 2003 and 2530**; as amended, **HB 1618**.

Senator STAPLETON, from the Committee on Agriculture, reported, as amended, **SB 1252**.

Senator NOLAN, from the Committee on Rules and Executive Nominations, reported, as committed, **HB 1858**.

Senator HILL, from the Committee on Judiciary, reported, as committed, **SB 1239, 1309, 1348 and HB 2359**; as amended, **SB 1350**.

Senator MURPHY, from the Committee on Local Government, reported, as committed, **SB 1528**; as amended, **HB 1036, 1932 and 2228**.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator NOLAN, from the Committee on Rules and

Executive Nominations, reported without amendment, the following Resolutions, numbered and entitled:

Senate Resolution, Serial No. 91—Senate Committee to investigate Farview State Hospital.

Senate Concurrent Resolution, Serial No. 241—Designating the third week of September as "Rehabilitation Week."

House Concurrent Resolution No. 77—Memorializing Congress to pass an amendment to the Constitution guaranteeing equal protection to apply to unborn the same as to all other citizens.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Polish-Slovanic American Community of Berks County and to the Rising Sun Softball Team of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. William Bolt, Mr. and Mrs. Walter Ranus, Mr. and Mrs. George Kean, Mr. and Mrs. Samuel Daniels, Mr. and Mrs. Calvin Simpson, Mr. and Mrs. Charles Bardo, Mr. and Mrs. Ray L. Bemis, Mr. and Mrs. Joseph Ackerman, Mr. and Mrs. John Wasiulewski and to Mr. and Mrs. William Erb by Senator Orlando.

Congratulations of the Senate were extended to Lewis L. Gwin by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. Calvin M. Craig by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Dunn, Sr., Mr. and Mrs. Joseph Hello, Mr. and Mrs. Arleigh Wood, Mr. and Mrs. Charles Atkinson, Mr. and Mrs. John G. Hopkins and to Mr. and Mrs. Talbert Nelson by Senator Murphy.

Congratulations of the Senate were extended to St. Paul's Monastery Congregation of the Passion by Senator Romanelli.

Congratulations of the Senate were extended to Dr. and Mrs. Frank C. Black, Mr. and Mrs. Frank Hartman, Mr. and Mrs. Clarence Ringesen and to Mr. and Mrs. Andrew A. Thomson by Senator Early.

Congratulations of the Senate were extended to Dr. J. Thomas Millington by Senator Coppersmith.

Congratulations of the Senate were extended to Marie Margaret McLaughlin by Senators Jubelirer, Messinger and Howard.

Congratulations of the Senate were extended to the Wagon Train Pilgrimage by Senator Hill.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the widow of the late Dr. Ralph F. Himes by Senator Jubelirer.

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 1239, 1252, 1309, 1348, 1350, 1528, 1568, HB 1036, 1145, 1366, 1618, 1819, 1858, 1932, 2003, 2118, 2228, 2359 and 2530.

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

COMMUNICATIONS FROM THE GOVERNOR

SENATE BILL RETURNED WITHOUT APPROVAL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been returned without approval:

SB 1542.

The PRESIDING OFFICER. The communication and bill will be laid on the table.

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE RENAL DISEASE ADVISORY COMMITTEE

June 28, 1976

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 7, 1976 for the reappointment of Mario J. Sebastianelli, M.D., 176 Constitution Avenue, Jessup 18434, Lackawanna County, Twenty-second Senatorial District, as a member of the Renal Disease Advisory Committee, to serve until November 28, 1977, and until his successor is appointed and qualified.

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

MILTON J. SHAPP

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

DISTRICT JUSTICE OF THE PEACE

June 28, 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. Evelyn Golubic, R. D. 4, Mercer 16137, Mercer County,

Fiftieth Senatorial District, for appointment as District Justice of the Peace in and for the County of Mercer, Class 3, District 01, to serve until the first Monday of January, 1978, vice Donald L. Buckel, Mercer, deceased.

MILTON J. SHAPP

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 567, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 567**, and has appointed Messrs. GOODMAN, O'BRIEN and GALLEN 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 CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled:

Returning HB 175 to the Committee of Conference.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

Eastern Daylight Saving Time	DATE AND COMMITTEE	Room
	TUESDAY, JUNE 29, 1976	
10:00 A.M.	FINANCE (pursuant to Senate Resolution No. 69)	Majority Caucus Room
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS	Rules Committee Conference Room
	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

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, June 29, 1976, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:40 p.m., Eastern Daylight Saving Time.