

Legislative Journal

MONDAY, MAY 2, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 20

SENATE

MONDAY, May 2, 1977.

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 HAROLD T. FRIES, JR., Pastor of Messiah Lutheran Church, Harrisburg, offered the following prayer:

O Lord, Eternal God, You have promised to lead us in the way of truth. Prepare the hearts and minds of the men and women elected to serve the business of this Commonwealth so that they act on matters related to the lives of men and women and boys and girls with honor, dignity and a caring level of sensitivity.

Compel them to be just and honest in their decisions. Let their motives be above suspicion. Let their word be honorable so that at this day's end You may bless each of these elected servants with Your words, "Well done, good and faithful servant." Amen.

The PRESIDENT. The Chair thanks Reverend Fries, who is the guest this week of the gentleman from Dauphin, Senator Gekas.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL

April 29, 1977.

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 Rufus F. Patton, R.D. 4, Box 189, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 1979, and until his successor is appointed and qualified, vice Reverend Franklin L. Henley, Harrisburg, resigned.

MILTON J. SHAPP.

COMMISSIONER OF DEEDS

May 2, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Janet Ellyn Steiner, 662 Santa Fe Drive, Mantua, Gloucester County, New Jersey 08051, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years, to compute from the date of confirmation.

MILTON J. SHAPP.

GENERAL COMMUNICATIONS

COURT RULES REPORT NO. 1 OF 1977

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SUPREME COURT OF PENNSYLVANIA
464 City Hall
Philadelphia, Pa. 19107

April 27, 1977.

To the Senate of Pennsylvania:

By direction of the Supreme Court of Pennsylvania, I have the honor to submit to the General Assembly proposed amendments to the Pennsylvania Rules of Appellate Procedure which have been adopted by the Supreme Court pursuant to Title 42, Pennsylvania Consolidated Statutes, Sections 503(b) and 1725.

Accompanying these rules is the Explanatory Note of The Advisory Committee on Appellate Court Rules which was submitted to the Court for its use in considering the rules.

Respectfully,
MICHAEL J. EAGEN
Chief Justice of Pennsylvania

The Honorable Mark Gruell, Jr.
Secretary of the Senate of Pennsylvania
462 Main Capitol
Harrisburg, Pa. 17120

The General Assembly of Pennsylvania

COURT RULES REPORT

No. 1

Session of 1977.

TRANSMITTED TO THE GENERAL ASSEMBLY,
April 27, 1977.

COURT RULES REPORT NO. 1 OF 1977

The Chief Justice of Pennsylvania hereby reports to the General Assembly of the Commonwealth of Pennsylvania for its consideration an order amending or adopting certain general rules as follows:

ORDER

AND NOW, this 22nd day of April, 1977, upon recommendation of The Advisory Committee on Appellate Court Rules, and notice of proposed rule making having been duly given, 6 Pa. B. 3022, it is ordered pursuant to 42 Pa. C.S. § 503(b) (relating to procedures) and 42 Pa. C.S. § 1725 (relating to fees and charges) that:

1. Rule 2701 of the Pennsylvania Rules of Appellate Procedure is hereby amended to read as attached hereto, and Rules 2704 through 2707 of the Pennsylvania Rules of Appellate Procedure, attached hereto, are hereby adopted and promulgated by the Supreme Court of Pennsylvania.

2. As provided by Section 24(a) of the act of July 9, 1976 (No. 142), known as the "Judiciary Act of 1976," all existing fees and charges are hereby superseded to the extent that they are inconsistent with the rules promulgated hereby.

3. The Chief Justice shall forthwith report this Order and the related Explanatory Note of The Advisory Committee on Appellate Court Rules to the General Assembly pursuant to 42 Pa. C.S. §§ 503(b) and 1725.

4. The amendments to the Pennsylvania Rules of Appellate Procedure attached hereto shall become operative 30 days after (a) the date of approval of the last of the two Houses of the General Assembly to act thereon, or (b) the expiration of the 120 day period specified in 42 Pa. C.S. § 503(b) (5), as the case may be. In no event shall such amendments become operative prior to July 1, 1977. Such amendments shall apply to further proceedings in all matters then pending. Where thereafter any filing is made in a pending matter the fee, if any, for such filing shall be determined on the same basis as if (i) the matter had been originally commenced after such amendments had become operative and (ii) the applicable composite filing fee had theretofore been paid.

BY THE COURT:
Michael J. Eagen
Chief Justice

Rule 2701. Payment of Fees Required.

A person upon filing any paper shall pay any fee therefor prescribed by law. The clerk may permit papers to be filed without the payment of the fee therefor, but shall require such to be paid promptly thereafter. If the fee is not paid promptly after demand therefor, the clerk may mark the paper stricken from the docket under this rule.

Note: Former Supreme Court Rule 70 (first sentence), former Superior Court Rule 61 and former Commonwealth Court Rule 117 (first sentence) literally required the payment of the fee in advance of filing. In view of the filing by mail procedures instituted by these rules, a limited opportunity is afforded to permit the prompt correction of the failure to include a check with the letter of transmittal or the failure to draw the check in the proper amount.

A party who intends to proceed in forma pauperis should transmit a copy of his application under Rule 552 (application to lower court for leave to appeal in forma pauperis) to the appellate prothonotary so that Rule 554(b) (appeal taken before application acted on) will operate to defer the requirement for fees in the appellate court.

Rule 2704. Fees in Lower Courts.

The fee for filing a notice of appeal in the lower court under

Rule 905 (filing of notice of appeal) shall be \$25. Except as otherwise prescribed by Rule 1734(a) (2) (appropriate security), no other fee shall be payable in the lower court with respect to filings made or services performed under these rules, including filings under Chapter 17 (effect of appeals; supersedeas and stays), and the preparation, transmission and remand of the record.

Note: This rule institutes a composite appeal fee in the lower court, and supersedes separate fees for applications for supersedeas, making up and transmitting the record (including postage), filing opinions on remand, filing the record on remand, etc.

Rule 2705. Fees in Appellate Courts on Appeal.

The fee for docketing an appeal in an appellate court under Rule 907 (docketing of appeal) or for filing a petition for allowance of appeal, petition for permission to appeal or petition for review or an application under Rule 3309 (applications for extraordinary relief) shall be \$25. Where a petition for allowance of appeal or a petition for permission to appeal has been filed under these rules and is granted no fee shall be payable in the lower court and no additional fee shall be payable upon docketing the appeal in the appellate court. Except as prescribed by Rule 2704 (fees in lower courts), no other fee shall be payable in an appellate court with respect to filings made or services performed (including the furnishing to the parties all notices and copies of opinions as required by these rules) in a matter in which a fee has been paid in such appellate court under this rule.

Note: This rule institutes a composite appeal fee in the appellate court. The reference to Rule 2704 in the last sentence of the rule covers the situation where a notice of appeal to the Supreme Court is filed in the Commonwealth Court under Rule 1101 (appeals as of right from the Commonwealth Court).

Rule 2706. Other Fees in Appellate Courts.

Except as otherwise prescribed by Rule 2704 (fees in lower courts) and Rule 2705 (fees in appellate courts in appeal) the fees to be charged in an appellate court shall be as follows:

Commencement of an action or other matter (composite fee):	\$25.00
Certification or exemplification of any paper or papers of record (not including copy fees):	\$10.00
Copy of any opinion of the court (including all concurring and dissenting opinions, if any) furnished to any nonparty:	\$5.00
Copy fee for uncertified copy of any other paper of record, per page:	\$1.00
Filing any paper, except in a pending matter in which the composite fee has been paid:	\$10.00
Satisfaction of judgment or other order:	None
Searches, per five years:	\$10.00

Note: This rule applies primarily to filings in connection with the original jurisdiction of the Commonwealth Court.

Rule 2707. Application of Fees to Government Units.

(a) General Rule.—A government unit shall be exempt from the fees prescribed by this chapter.

(b) Copy fees.—When a substantial number of copies of a document or a copy of a substantial number of documents is requested by a government unit, the prothonotary of the appellate court involved may charge the government unit the estimated cost of reproduction.

RECOMMENDATION NO. 5
FEES IN APPELLATE COURTS AND ON APPEAL

Explanatory Note to Rules 2701 and 2704

through 2707 of the Pennsylvania Rules of Appellate Procedure as Proposed to be Amended and Added

I. Introduction.

The existing judicial filing fee and cost arrangements in this Commonwealth defy description. There is literally no one person or institution which can provide a list of such fees and a comprehensive list has not been published by any source within living memory. The Committee's research suggests that there are presently 15 general statutory fee/cost bills and 51 general local court fee/cost bills in existence, without giving consideration to the countless special statutory provisions relating to fees and costs. The results are confusing and inconsistent in the extreme. For example, in the very restricted area of the fees in connection with an appeal or in an appellate court the Committee's research has identified five pages of applicable statutes and fee/cost rules (see accompanying Tables A, B, C, D and E)

The justification for such a complex arrangement was the function performed by the fee/cost bill in fixing the compensation of the related officer. The office was a concession: the maximum price which the officeholder could charge was fixed by law and all profits, after necessary expenses, inured the officeholder as the emoluments of his office. However, with the recent abolition by constitutional amendment of all fee offices in county government, as implemented by the act of November 1, 1971 (P.L. 495, No. 113) (16 P.S. § 11011-1 et seq.), this justification has essentially disappeared.

Accordingly, the General Assembly enacted, effective January 1, 1977, 42 Pa. C.S. § 1725, which provides as follows:

§ 1725. Establishment of fees and charges.

(a) General rule.—The governing authority shall fix by general rule the filing fees for the commencement of any matter before any court or district justice and the fees which clerks and officers serving process or enforcing orders shall be entitled to collect for services performed. No person shall demand or receive any fee or charge for any service within the scope of his office or employment except as fixed or authorized by the governing authority pursuant to this section. In fixing fees the governing authority shall be guided by the following considerations:

(1) The unified judicial system is established for the good order of society and the correction of injustice, and no person should have right and justice denied or delayed by reason of poverty.

(2) The number and type of fees should be minimized to the end that the schedule of fees may be simple and understandable to the public and amenable to modern accounting systems and controls.

(3) Except as otherwise provided by statute, that portion of the yield of the fees payable to the counties should be approximate to, but not in excess of the net revenues receivable by the counties under the prior provisions of law.

(b) Procedure.—Rules adopted pursuant to subsection (a) shall take effect only in the manner provided by section 503(b) (relating to procedures).

The fees adopted under the foregoing provision are subject to legislative veto under 42 Pa. C.S. § 503(b)

The Committee is informed that the Administrative Office of Pennsylvania Courts expects to work with representatives of the various affected county offices during the next year toward the development of a comprehensive Fee Bill for the unified judicial system. In the meantime the Committee's area of appellate court fees has been selected as an appropriate one for a pilot program looking toward the development of a rationalized and simplified fee/cost structure for Pennsylvania's new unified judicial system.

II. Existing Fees In Appellate Courts and on Appeal.

The existing fee for filing a notice of appeal in a lower court is fixed by Pa. R.A.P. 2701(c), which directs the clerk (prothonotary) of the lower court to collect "an amount equal to the fee otherwise payable . . . upon the filing of a writ issued out of the

Supreme Court of Pennsylvania evidencing the fact that an appeal has been taken to the Supreme Court."

The Committee intended that this provision should result in the payment of the so-called "certiorari" fee. The resulting fees are set forth in Tables B, C and D, and range from \$1.00 to \$30.00 (These figures do not include separate fees, if any, for filing the remanded record and any opinion of the appellate court. Since the remittitur has been abolished (Pa. R.A.P. 2571(c)), and since any appellate opinion is made an integral part of the remanded record (Pa. R.A.P. 2571(a)(2)), it is questionable whether these fees are technically collectible under the present practice. No effort has been made to quantify such variants as the added postage charged in Lackawanna's and Lehigh's orphans' court divisions, or the \$1.00 per page of record fee charged in Fayette's orphans' court division.)

The existing fee for docketing an appeal in an appellate court, etc. is fixed by Pa. R.A.P. 2701(b), which incorporates and extends the application of fees fixed by statute and court rule under the prior practice. These fees are set forth in Table A.

III. Proposed Fees.

New Rule 2704 (fees in lower courts) fixes a statewide uniform fee of \$25 for filing a notice of appeal in the lower court under Rule 905 (filing of notice of appeal). This is a composite fee, and no further fees would be payable in connection with applications for supersedeas under Chapter 17 (effect of appeals; supersedeas and stays) or in connection with the transmission or remand of the record, etc.

New Rule 2705 (fees in appellate courts on appeal) replaces Table A with a simple uniform fee of \$25 for filing a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal or a petition for review. This is a composite fee, and no further fee would be payable if the appeal is allowed or granted, etc.

The \$12 Supreme and Superior Court appeal fee was fixed in 1897 and has never been increased. By raising that fee to conform to the existing \$25 fee in the Commonwealth Court, the Committee is offsetting to an indeterminate degree the loss in revenue occasioned by Rule 2702 (multiple parties), which abolished (effective July 1, 1976) the number of appellants times number of appellees filing fee computation practice, e.g. under the prior practice an appeal by A, B and C from a judgment recovered by X and Y required a fee of \$72 (3 x 2 x \$12 = \$72).

Rule 2707 (application of fees to government units) is intended to codify the principle that government units are exempt from fees and charges except where they unreasonably burden the appropriation of the sister agency.

The foregoing proposal complies with the statutory criteria of Paragraphs (1) through (3) of 42 Pa. C.S. § 1725(a):

(1) Rule 551 (continuation of in forma pauperis status for purposes of appeal) et seq. provide procedures for the waiving of filing fees in case of poverty.

(2) The number and type of appellate fees have been greatly minimized, i.e. to one in the lower court and one in the appellate court. Rule 2706 (other fees in appellate courts) reduces the ancillary fees in appellate courts to three: a \$1.00 per page copy fee, a \$5.00 fee for copies of court opinions furnished to nonparties and a \$10.00 miscellaneous fee in original matters. The \$25 commencement of action fee in the Commonwealth Court is the same as the appeal fee in the three appellate courts.

(3) The yield under the proposal to the counties is approximately equivalent to the revenue receivable under prior provisions of law. Given the existing fee situation as set forth in Tables B and C, and the need to balance also the standards of Paragraphs (2) and (3) of Section 1725, the Committee concluded that the best balance at this time would be effected by initially standardizing at or near the upper level of existing lower court appeal fees. The fact that both the lower court and appellate fees will be identical (\$25) will also promote clarity and simplify administration. The resulting financial enhancement to the counties which have had lower fees will be relatively small, since appellate fees in aggregate dollar terms are necessarily a relatively small proportion of the fee income of the

clerk's (prothonotary's) office. In any event the effect of the enhancement can readily be taken into account during the near future in the development by the Administrative Office of a comprehensive Fee Bill for the unified judicial system.

IV. Further Procedures.

Under 42 Pa. C.S. § 1702(b) (rule making procedures) this proposal is subject to the notice of proposed rule making requirements of the act of July 31, 1968 (P.L. 769, No. 240), known as the "Commonwealth Documents Law" (45 P.S. § 1101 et seq.) and accordingly due notice was duly published at 6 Pa. B. 3022. The Committee expects to consult with the appropriate committees of the General Assembly and with representatives of all affected public offices prior to submitting a final text of this Recommendation to the Supreme Court for its consideration and action.

TABLE A

Fees of Docketing Appeals and Other Matters in Office of Prothonotary of an Appellate Court as fixed under Section 24(a) of the Judiciary Act of 1976 by Reference to Fees Incorporated by Pa. R.A.P. 2701.

	Court		
	Supreme	Superior	Commonwealth
Docketing appeal as of right	\$12	\$12	\$25
Filing petition for permission to appeal	12	12	25
Docketing appeal after permission granted	12	12	None
Filing petition for review	12	12	25
Filing petition for allowance of appeal to Supreme Court:			
From Superior Court	3	n/a	n/a
From Commonwealth Court	12	n/a	n/a
Docketing appeal after allowance of appeal:			
From Superior Court	12	n/a	n/a
From Commonwealth Court	None	n/a	n/a

TABLE B

Fees for Filing Writ of Certiorari From Appellate Court as Fixed Under Section 24(a) of the Judiciary Act of 1976 by Reference to Prior Statutes

First Class Counties (Philadelphia)

Prothonotary (act of August 31, 1971 (P.L. 418, No. 100) (17 P.S. § 1589.11)): \$15.00

Clerk of Quarter Sessions (act of October 14, 1959 (P.L. 1314, No. 442) (17 P.S. § 442.1)): \$15.00/20.00 (\$10.00 for certiorari and \$5.00 for remittitur and \$5.00 for entering opinion of appellate court)

Clerk of the Orphans Court Division: See Table C

Second Class Counties (Allegheny)

Prothonotary (act of July 12, 1961 (P.L. 566, No. 277) (17 P.S. § 1592)): \$12.00 (\$10.00 for certiorari and \$2.00 for remittitur).

Clerk of the Courts (act of June 11, 1915 (P.L. 938, No. 413) (17 P.S. § 444)): \$10.00/15.00 (\$5.00 for certiorari, \$5.00 for remittitur and \$5.00 for entering opinion of appellate court).

Clerk of the Orphans' Court Division: See Table C.

Second Class A Counties (Delaware and Montgomery)

Prothonotary (act of October 20, 1967 (P.L. 470, No. 223) (17 P.S. § 1592.1)): \$20.00

Clerk of the Courts (act of June 11, 1915 (P.L. 938, No. 413) (17 P.S. § 444)): \$10.00/15.00 (\$5.00 for certiorari; \$5.00 for

remittitur and \$5.00 for entering opinion of appellate court).
Clerk of the Orphan's Court Division: See Table C

Third to Eighth Class Counties

Prothonotary (act of August 22, 1961 (P.L. 1043, No. 475) (17 P.S. § 1593.1)): \$20.00

Clerk of the Courts (act of June 25, 1947 (P.L. 956, No. 403) (17 P.S. § 447.1)): \$8.50 (\$1.00 for certiorari and \$7.50 on remand).

Clerk of the Orphans' Court Division:

Third and Fourth Class Counties - See Table C

Fifth to Eight Class Counties (act of August 21, 1953 (P.L. 1306, No. 370) (17 P.S. § 1841)): \$25.00

TABLE C

Fees for filing Writ of Certiorari in Office of Clerk of the Orphans' Court Division as Fixed Under Section 24(a) of the Judiciary Act of 1976 by Reference to Fee Bills Adopted Pursuant to 20 Pa. C.S. § 743.

County	Class	Amount	
Allegheny	Second	\$10.00	
Beaver	Fourth	10.00	
Berks	Third	25.00	
Bucks	Third	10.00	
Cambria	Fourth	15.00	
Chester	Third	15.00**	
Cumberland*	Fourth	10.00	
Dauphin	Fourth	20.00	
Delaware	Second A	25.00	(plus \$10.00 for filing opinion, if any).
Erie	Third	25.00	
Fayette	Fourth	30.00	(plus \$1.00 per page of record).
Lackawanna	Third	10.00	(plus postage to and from appellate court)
Lancaster	Third	15.00	
Lehigh	Third	10.00	(plus postage to appellate court and insurance of mail)**
Luzerne	Third	10.00**	
Montgomery	Second A	15.00	
Northampton*	Fourth	10.00	
Philadelphia	First	3.00	
Schuylkill	Fourth	20.00	
Washington	Fourth	10.00	
Westmoreland	Third	10.00	
York	Third	15.00	

* Cumberland and Northampton Counties do not have separate orphans' court divisions and the fees of their Clerks of the Orphans' Court Division were originally fixed by the act of August 21, 1953 (P.L. 1306, No. 442) (17 P.S. § 1841). However, counties of the fourth class were deleted from the scope of the act by the amendment of March 20, 1956 (1955 P.L. 1305, No. 408), with the result that certiorari fees for the clerk were fixed by the Court under 20 Pa. C.S. § 743(a), there being no inconsistent statute on the subject.

** Denotes based on unofficial information.

TABLE D

Fees In Commonwealth Court As Fixed Under Section 24(a) of the Judiciary Act of 1976

By Reference to 204 Pa. Code § 155.203

§ 155.203. Commonwealth Court Fees.

The fees to be charged in all actions commenced in or appealed to the Commonwealth Court of Pennsylvania and for all other matters incidental thereto or concerning the Court shall be as follows:

Description	Fee (in dollars)
Commencement of an action within the original jurisdiction of the Court or filing of an appeal from another court or of a direct appeal from an administrative agency, for which action or appeal no subsequent fees will be charged except as hereinafter specifically provided	25
Certiorari from the Supreme Court	20
Certification from the record, first page (plus \$.50 for each additional page)	3
Copy of opinion of the Court, first page (plus \$.50 for each additional page)	2
Exemplifications:	
Within the State	6
Outside State, under Act of Congress or otherwise	9
Filing of liens	5
Revival of liens	5
Revival of liens by adverse proceedings	10
Satisfaction of judgment or decree	3
Record searches:	
For five years	5
Certification as to each reference	1
Executions, including issuance of writ	10
Subpoenas:	
Issuance	1
Return of Service (plus mileage of \$.10 per mile)	5

TABLE E

Fees in the Supreme and Superior Courts
As Fixed Under Section 24(a) of the
Judiciary Act of 1976 by Reference to
the act of May 19, 1897

Act of May 18, 1897 (P.L. 67, No. 53).

- Section 3 (12 P.S. § 1135) (filing appeal in Supreme or Superior Courts): \$12.00
- Section 5 (12 P.S. § 1137) (bail upon appeal in Supreme or Superior Courts): \$3.00
- Section 18 (12 P.S. § 1156):
(Miscellaneous writs): \$3.00
(Filing petition for allowance of appeal from Superior Court): \$3.00

The PRESIDENT. This will appear on tomorrow's Calendar.

**REPORT OF COMMITTEE PURSUANT TO SENATE
RESOLUTION, SERIAL NO. 41 OF 1976**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:



Senate of Pennsylvania

April 28, 1977

The Honorable Ernest P. Kline
President of the Senate
Senate of Pennsylvania
Room 200
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Governor Kline:

The members of the Committee to Investigate the Problem

of Driving while Under the Influence of Alcohol have the honor to transmit to you and the members of the Senate, a report of our findings and recommendations, prepared as a result of study and public hearings.

This report was authorized by Senate Resolution No. 41, adopted March 8, 1976, and is submitted for your consideration.

Respectfully submitted,

Edward M. Early
Edward M. Early, Chairman

W. Louis Coppock-Smith
W. Louis Coppock-Smith

John James Sweeney
John James Sweeney

Wilnot E. Fleming
Wilnot E. Fleming

T. Newell Wood
T. Newell Wood

The PRESIDENT. This report will be noted in the Journal and printed in the Appendix.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 880** and **881**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 825**, which was referred to the Committee on Labor and Industry.

He also presented for concurrence **HB 327, 331, 332** and **333**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 642**, which was referred to the Committee on State Government.

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Committee on Appropriations will meet today at 1:30 o'clock in Room 350 to consider Senate Bill No. 595 and House Bills No. 880 and 881.

BILLS INTRODUCED AND REFERRED

Senators HAGER, NOLAN, DOUGHERTY, HOLL, STAUFFER, GEKAS, HOPPER, TILGHMAN, HOWARD, HESS, JUBELIRER, BELL, SNYDER, MOORE, FLEMING, ANDREWS, MANBECK, DWYER, CIANFRANI, REIBMAN, HILL, SMITH, LYNCH, HANKINS, MELLOW, ORLANDO, WOOD, ZEMPRELLI, MESSINGER, O'PAKE, KURY and SCHAEFER presented to the Chair **SB 823**, entitled:

An Act establishing the Pennsylvania Independent Crime Commission and prescribing its organization, powers and duties.

Which was committed to the Committee on Law and Justice.

Senators EARLY, ORLANDO, LEWIS, STAUFFER and JUBELIRER presented to the Chair **SB 824**, entitled:

An Act amending the act of May 16, 1921 (P.L. 579, No. 262), entitled, as amended, "An act providing for the better

management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," providing for the extension of the provisions of this act to counties of the seventh or eighth class upon resolution or ordinance of the county commissioners of such county.

Which was committed to the Committee on Local Government.

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

An Act amending the act of May 9, 1949 (P.L. 919, No. 257), entitled "An act designating certain clerks of courts agents of the Commonwealth in the collection and transmission of fines, forfeited recognizances and other forfeitures imposed, lost or forfeited into any court for the use of the Commonwealth;" changing the days for rendering certain returns to the Department of Revenue, and providing for evidence of timely filing.

Which was committed to the Committee on Local Government.

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

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled "The Borough Code," providing for the powers of the mayor, contracts and vacating streets; providing for the regulation of recreational facilities, the adoption of standard codes and a penalty for violating the mayor's proclamation of an emergency; authorizing boards of code appeals, and making editorial changes.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 827**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled "The Borough Code," further providing for minutes of proceedings of council.

Which was committed to the Committee on Local Government.

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

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled "The Borough Code," further providing for the appointment of auditors.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 829**, entitled:

An Act amending the act of May 28, 1937 (P.L. 955, No. 265), entitled, as amended, "Housing Authorities Law," extending the act of all municipalities.

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

They also presented to the Chair **SB 830**, entitled:

An Act amending the act of May 24, 1945 (P.L. 991, No. 385), entitled "Urban Redevelopment Law," authorizing

boroughs, incorporated towns and townships to form redevelopment authorities.

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

They also presented to the Chair **SB 831**, entitled:

An Act amending the act of February 1, 1966 (1965) P.L. 1656, No. 581), entitled "The Borough Code," adding to authorized community development programs.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 832**, entitled:

An Act amending the act of June 24, 1931 (P.L. 1206, No. 331), entitled "The First Class Township Code," adding to authorized community development programs.

Which was committed to the Committee on Local Government.

The also presented to the Chair **SB 833**, entitled:

An Act amending the act of May 1, 1933 (P.L. 103, No. 69), entitled "The Second Class Township Code," adding to authorized community development programs.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 834**, entitled:

An Act authorizing incorporated towns to undertake certain community development programs and granting the right of eminent domain in connection therewith.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 835**, entitled:

An Act amending the act of June 23, 1931 (P.L. 932, No. 317), entitled "The Third Class City Code," providing for the city council to undertake community development programs.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 836**, entitled:

An Act requiring impact statements to be filed with certain rules or regulations; providing emergency waiver provisions and granting certain authority to the General Assembly.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 837**, entitled:

An Act requiring the attachment of fiscal impact statements to all bills in original form or as amended relating to the expenditure of funds by, or loss of revenue to, political subdivisions.

Which was committed to the Committee on State Government.

Senator SWEENEY presented to the Chair **SB 838**, entitled:

An Act amending the act of July 10, 1968 (P.L. 316, No. 154), entitled "Legislative Code of Ethics," prohibiting a member who is an attorney from representing clients before any

State department, agency, board or commission.

Which was committed to the Committee on Rules and Executive Nominations.

Senator CIANFRANI presented to the Chair SB 839, entitled:

An Act providing for the capital budget for the fiscal year 1977-78.

Which was committed to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, May 2, 1977.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 23, 1977 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 23, 1977 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.

MEMBERS OF THE PENNSYLVANIA YOUTH AND GOVERNMENT MODEL LEGISLATURE PRESENTED TO SENATE

The PRESIDENT. Before proceeding, I want to take a minute to present three young visitors who have been participating, for the last three days, in the Annual Youth Model Legislature which is held here in the Capitol of Pennsylvania each year, in which young people from all over Pennsylvania join in an experience designed to give them more direct knowledge about the legislative process.

One of the persons present will make a brief report — and quite appropriately that is the Lieutenant Governor.

Before presenting the Lieutenant Governor, I would like very much to present to you the young man who held the office of Youth Governor. He is from Senator Bell's District. I noticed earlier he was visiting with him. His name is Samuel Lavella, 751 Chester Pike, Prospect Park. I wonder if Governor Lavella will please stand.

(Applause.)

The PRESIDENT. The Youth Speaker of the House of Representatives is from Senator Stauffer's District, in Berwyn, Pennsylvania and that is Kris M. Peterson. Will you please stand, Kris.

(Applause.)

The PRESIDENT. The young lady who served as Lieutenant Governor is Gigi Chapman. I would like her to come up for just a brief report. She lives in Somerset, Pennsylvania, in Senator Duffield's District. You may speak, but don't touch that gavel.

(Laughter.)

Miss CHAPMAN. Mr. President and Members of the Senate.

Efficiency in the Model Legislature in 1977 was, in my opinion, at the optimum level.

My view is strengthened by the fact that in this year's Model Legislature, fourteen bills were signed by our Youth Governor. Not that quantity necessarily denotes quality, but that through more systematic and calculated bill-writing procedure, the legislation considered was, for the most part, of a very high caliber. May I also add that due to the proficiency of this year's elected committee chairpersons, every bill introduced was considered in committee. Over and above that, six committees also submitted committee bills for consideration on the floor.

Bills signed by the Youth Governor ranged from amending the Pennsylvania State game laws to reapportioning judges in the Court of Common Pleas. Other new laws deal with child abuse and protection. These new statutes include much stricter penalties for child abusers consisting of a mandatory two-year probation sentence and a hearing before a State Board of Inquiry.

Labor relation bills signed into law are the Welfare Community Service Act and The Right to Work Act. The Welfare Community Service Act makes it mandatory for all welfare recipients, who are mentally and physically able to work for local governments, to work for their welfare check. The Right to Work Act outlaws the closed shop and generally strengthens the management position in labor-management relations.

In light of the recent flurry over life sustaining apparatus, the Living Will Act was adopted. This law makes it possible for a person to notarize a statement saying that if death is imminent, this person gives his consent to the removal or discontinuation of life support treatment.

Two bills signed dealt with technology versus safety. The first, banning the use of fluorocarbons in aerosol sprays, showed the lack of safety toward man as a society. The second, making it mandatory for restaurant owners using microwave ovens to place warning notices within twenty feet of the microwave, demonstrated lack of safety toward the individual. For clarification, it is a proven medical fact that persons with Pacemakers cannot risk going within twenty feet of any means of extreme radiation, such as a microwave oven.

A new law was signed to severely limit public smoking. This statute makes it illegal to smoke in public places. Included on the list are hospitals, restaurants, public buses and theaters, except in designated smoking areas. These smoking areas shall be a separate room sufficiently ventilated and shall make up no more than thirty per cent of the total area of the building. Smoking is absolutely prohibited in passenger elevators, rest rooms and lobbies of public health care institutions and in doctors' waiting rooms.

Dealing with a problem that is very real in the lives of today's students, a bill was adopted to place a students' representative on all school boards. Sponsored by the Governor's Office, this gives students more of a voice in something that so affects their lives.

The two bills receiving citations for excellence in content and writing were radiation protection and drivers' license retesting.

The Radiation Protection Act, sponsored by the Edinboro delegation, insures a monitoring of any sites that have the

potential for radioactive contamination.

The Motor Vehicle Operator Retesting Act, sponsored by the Carlisle delegation, states that written and vision acuity retests shall be given every three years and the driving retest every six years.

Bills, six this year, are judged on originality, legality, singleness of purpose, clarity and conciseness.

In addition to citations for outstanding bills, awards are given to outstanding members of the Senate. Voted on by the members of their respective House, outstanding Senators are Eric Shaqfeh from the Blue Mountain delegation and Mike Weidt from the South Hills delegation.

Twelve participants, six from the eastern half of the State and six from the west, were selected to attend the Conference on National Affairs held in North Carolina, July 3rd through July 8th.

At this time I would like to thank some people who have been very helpful:

Senator Thomas J. Kalman, Chief Clerk and Mrs. Evelyn B. Lane, Assistant Chief Clerk.

I would like to thank Senator Henry G. Hager and his staff members who served on the citation awards selection commission.

I would also like to thank Senator Michael Schaefer for helping us with Senate Citations.

I would like to thank Mr. Ralph Roebuck for all the help he gave us this week-end.

And last but not least, I would like to thank all the Members of the Senate for letting us use their Chambers and their seats.

When I mentioned the efficiency of this year's Model Legislature, I noted the contribution of high quality bills as a major reason. Listed right beside this factor should be the closeness of the officers. There was a definite flow of ideas and suggestions between the House, Senate and Governor's Office that really made a difference in the efficiency level.

As always there were some problems such as copying machines that broke down, bill flow sheets that disappeared and mix-ups on correct procedure, but these are expected.

Also expected, though, is the highest, realistic standard of achievement. This was, in the 1977 Model Legislature, met, if not surpassed.

The PRESIDENT. We thank you, Miss Chapman.

At this time I would also want to present to the Members of the Senate, Roselyn J. Fleming, Director of Program Services of the YMCA, Pittsburgh, Pennsylvania. If Ms. Fleming will stand we will give her the usual warm welcome of the Senate. We are happy to have you here.

(Applause.)

Senator STAUFFER. Mr. President, one of the members of our legal staff had the opportunity to review the legislation that was introduced in the Model Legislature, and he commented to me that many of the bills introduced were extremely well drafted. In fact, some of them met the standard of the bills that are introduced in the General Assembly. It would appear to me with that quality of bills submitted by these young people, we certainly have some embryo legislators and their

teachers should be commended for developing them so very well.

GUESTS OF THE SENATE INTRODUCED BY THE PRESIDENT

The PRESIDENT. We have in the Senate gallery a large contingent of Scouts from Emporium who are visiting here today. While I am not precisely sure of any of the names of the people in charge or the names of the persons who are with them, I would like to welcome them. While their State Senator is now a Congressman in Washington, they are now having an election to determine who their next Senator will be. If they would please rise I would like to welcome them to the Senate of Pennsylvania with our usual warm welcome.

(Applause.)

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 4:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

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

AFTER RECESS

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

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, 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 STATE BOARD OF MOTOR VEHICLE MANUFACTURERS, DEALERS AND SALESMEN

May 2, 1977.

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 Bertram Levy (General Public), 6649 Sprague Street, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until February 3, 1980, and until his successor is appointed and qualified.

MILTON J. SHAPP.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

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 444**.

BILL SIGNED

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

HB 444.

REPORTS FROM COMMITTEE

Senator CIANFRANI, by unanimous consent, from the Committee on Appropriations, reported, as committed **HB 880** and **881**.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 128 (Pr. No. 141) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Bell,	Hess,	Mellow,	Scanlon,
Cianfrani,	Hill,	Messinger,	Schaefer,
Coppersmith,	Holl,	Moore,	Smith,
Dougherty,	Hopper,	Murray,	Snyder,
Duffield,	Howard,	Nolan,	Stapleton,
Dwyer,	Jubelirer,	Noszka,	Stauffer,
Early,	Kelley,	O'Pake,	Sweeney,
Fleming,	Kury,	Orlando,	Tilghman,
Gekas,	Lewis,	Reibman,	Wood,
Gurzenda,	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

SB 194 and **249** — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 280 (Pr. No. 282) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator KELLEY. Mr. President, directing the gentleman's attention to page 1, line 18, where it refers to two-thirds of the members elected to the Senate. Would the gentleman kindly interpret that meaning of two-thirds? Is it two-thirds of those Members who are eligible and sitting? For instance, now we have three vacancies. Or, does this represent the absolute number of elected districts numbered fifty always being the permanent number from which to determine the two-thirds?

Senator DWYER. Mr. President, that is the current constitutional provision and is subject to whatever the current Attorney General's opinion is regarding what two-thirds of elected means.

Senator KELLEY. Mr. President, I am desirous of establishing some good legislative history that may be persuasive upon the courts whose opinion may be different from the Attorney General, being elected or appointed. I am wondering if the gentleman, as the author of this resolution, would care to enlighten the annals of permanent legislative history of the Commonwealth and directly respond to the question?

Senator DWYER. Mr. President, the purpose of this amendment is not directed at all to two-thirds. The purpose of the amendment is to correct an error, an inconsistency in the State Constitution which resulted from the 1967-1968 Constitutional Convention in which it made it possible for a person to be appointed and another person to be elected to a vacancy in this same district justice office. The amendment is not at all directed to the two-thirds provision. That is part of the current Constitution and as the gentleman will note, it is not a part of the amendment.

Senator KELLEY. Mr. President, I realize that. I was only hoping that, even at this late time, we might get something in legislative history.

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 — 46

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Bell,	Hess,	Mellow,	Scanlon,
Cianfrani,	Hill,	Messinger,	Schaefer,
Coppersmith,	Holl,	Moore,	Smith,
Dougherty,	Hopper,	Murray,	Snyder,
Duffield,	Howard,	Nolan,	Stapleton,
Dwyer,	Jubelirer,	Noszka,	Stauffer,
Early,	Kelley,	O'Pake,	Sweeney,

Fleming,	Kury,	Orlando,	Tilghman,
Gekas,	Lewis,	Reibman,	Wood,
Gurzenda,	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 OVER IN ORDER

SB 325 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 326 (Pr. No. 328) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS — 47

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

NAYS — 0

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

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

BILL OVER IN ORDER ON FINAL PASSAGE

HB 446 (Pr. No. 1159) — 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 MCKINNEY. Mr. President, I request that House Bill No. 446 go over in its order.

Senator REIBMAN: Mr. President, I object.

The PRESIDENT pro tempore. Does Senator McKinney desire a roll call or may we be at ease?

The Senate will be at ease.

(The Senate was at ease.)

Senator REIBMAN: Mr. President, I withdraw by objection.

The PRESIDENT pro tempore. Senator Reibman withdraws her objection.

At the request of Senator McKinney, House Bill No. 446, Printer's No. 1159 will go over in its order.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 630 (Pr. No. 665) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS — 47

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

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 631 (Pr. No. 815) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS — 47

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

NAYS — 0

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

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

SECOND CONSIDERATION CALENDAR

**PREFERRED APPROPRIATION
BILLS ON SECOND CONSIDERATION**

HB 393 (Pr. No. 431) and SB 793 (Pr. No. 845) —
Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 16 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 69 (Pr. No. 69) and HB 91 (Pr. No. 101) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 94, 115 and 199 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 201 (Pr. No. 825) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 221 (Pr. No. 822) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator O'PAKE offered the following amendment:

Amend Sec. 1 (Sec. 14), page 5, line 12, by striking out "UNLAWFUL" and inserting: lawful

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 O'PAKE.

BILL OVER IN ORDER

SB 251 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 274 (Pr. No. 814), SB 305 (Pr. No. 307), SB 352 (Pr. No. 356), SB 477 (Pr. No. 492), HB 482 (Pr. No. 521) and SB 524 (Pr. No. 858) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 550 (Pr. No. 859) — The bill was considered.

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

MOTION TO REREFER

Senator NOLAN. Mr. President, I move that Senate Bill No. 550, Printer's No. 859, be rereferred to the Committee on Insurance.

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

Senator ANDREWS. Mr. President, I request a roll call vote on the motion.

POINT OF INFORMATION

Senator MELLOW. Mr. President, I rise to a point of information.

The PRESIDENT pro tempore. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, would you please clarify what we are voting on? Is the motion to rerefer to the Committee on Insurance?

The PRESIDENT pro tempore. The Clerk will strike the roll and start the roll call again.

Does everyone know what the motion is? The motion is to rerefer Senate Bill No. 550 to the Committee on Insurance.

The Clerk will call the roll.

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

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

YEAS—28

Arlene,	Hill,	McKinney,	Ross,
Cianfrani,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Murray,	Smith,
Dougherty,	Jubelirer,	Nolan,	Stapleton,
Early,	Kelley,	Noszka,	Sweeney,
Gekas,	Kury,	Orlando,	Wood,
Hankins,	Lynch,	Reibman,	Zemprelli,

NAYS—19

Andrews,	Gurzenda,	Manbeck,	Schaefer,
Bell,	Hager,	Messinger,	Snyder,
Duffield,	Hess,	Moore,	Stauffer,
Dwyer,	Holl,	O'Pake,	Tilghman,
Fleming,	Lewis,	Romanelli,	

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

The PRESIDENT pro tempore. Senate Bill No. 550 is rereferred to the Committee on Insurance.

BILL ON SECOND CONSIDERATION

SB 553 (Pr. No. 860) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 646 (Pr. No. 688) — Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 651, 653, 656, 657, 663 and 664 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 717 (Pr. No. 861) and SB 746 (Pr. No. 791) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 769 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

SENATE RESOLUTION, SERIAL NO. 44, CALLED UP

Senator NOLAN, without objection, called up from page 8 of the Calendar, Senate Resolution, **Serial No. 44**, entitled:

Senate Committee to investigate drug law enforcement.

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 44, AMENDED

Senator O'PAKE offered the following amendments:

Amend Resolution, page 1, by inserting between the fourth and fifth WHEREAS Clauses:

WHEREAS, The Senate of Pennsylvania has an equally direct interest in assuring the most effective drug abuse prevention, treatment and rehabilitation efforts by the Commonwealth; and

Amend First RESOLVED Clause, page 1, 6th line by inserting after "activities": and of the drug abuse prevention, treatment and rehabilitation programs coordinated and

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

Without objection, the resolution, as amended, was passed over in its order at the request of Senator O'PAKE.

SENATE CONCURRENT RESOLUTION, SERIAL NO. 208, CALLED UP

Senator NOLAN, without objection, called up from page 9 of the Calendar, Senate Concurrent Resolution, **Serial No. 208**, entitled:

Memorializing Congress to liberalize the excess earnings provision of the Social Security Law.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, SERIAL NO. 208, ADOPTED

Senator NOLAN. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 208.

The motion was agreed to and the resolution was adopted.

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

PERMISSION TO ADDRESS SENATE

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

Senator ZEMPRELLI. Mr. President, earlier today I had occasion to address the Independent Bankers of Pennsylvania in Altoona. I fully expected to return in time to make the first roll call. However, Harrisburg is not the easiest place in the world to get to from Altoona. It only takes three and one-half hours to get here from Pittsburgh. It took me four hours to get here from Altoona. Somewhere between Route 75 and Route 614 I ran into a situation involving a horse that took some time to get by.

As a result I did miss the first two roll calls and had I been here, I would have voted affirmatively on House Bill No. 128, Printer's No. 141. I also would have voted affirmatively on Senate Bill No. 280, Printer's No. 282.

The PRESIDENT pro tempore. The remarks of the gentleman will be noted in the record.

Please take up your problems regarding Altoona with the Senator from Blair County, Senator Jubelirer.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Daniel Falcone by Senator Lynch.

Congratulations of the Senate were extended to Dr. Robinson G. Fry by Senator Messinger.

Congratulations of the Senate were extended to Sister M. John Gabriel by Senator Dougherty.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family to the late Lewis W. McCloskey by Senator Dougherty.

BILLS ON FIRST CONSIDERATION

Senator NOLAN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

HB 880 and 881.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**

TUESDAY, MAY 3, 1977

- | | |
|--|---|
| 9:00 A.M. MILITARY AFFAIRS AND AERONAUTICS (to consider Senate Resolution No. 24) | Minority Caucus Room |
| 9:30 A.M. ENVIRONMENTAL RESOURCES (to consider Senate Bill No. 583 and a discussion with Dr. Maurice Goddard, Secretary of the Department of Environmental Resources on the Department's position for demolition and removal of properties at Evansburg State Park, Montgomery County) | Senate Majority Caucus Room |
| 10:00 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 461, 551, 552, 650, 658 and House Bill No. 329) | Local Govt. Comm. Conference Room, room 633 |

- | | |
|---|-----------------------------|
| 10:30 A.M. CONSUMER AFFAIRS (to consider Senate Bills No. 281, 284 and 513) | Minority Caucus Room |
| 11:00 A.M. Sub-Committee on LABOR AND INDUSTRY (to discuss amendments on Senate Bill No. 560) | Senate Majority Caucus Room |
| 11:00 A.M. BUSINESS AND COMMERCE (to consider Senate Bills No. 469, 563, 590, 623, 675, 795 and House Bill No. 371) | Room 169 |
| 11:30 A.M. EDUCATION (to consider Senate Bills No. 82, 729 and House Bill No. 445) | Room 188 |

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|--|---------------------------------|
| 12:00 Noon RULES AND EXECUTIVE NOMINATIONS | Rules Committee Conference Room |
|--|---------------------------------|

MONDAY, MAY 9, 1977

- | | |
|---|-----------------------------|
| 11:00 A.M. Joint SENATE AND HOUSE JUDICIARY COMMITTEES (Public Hearing to consider Senate Bill No. 585) | Senate Majority Caucus Room |
|---|-----------------------------|

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, May 3, 1977, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:04 p.m., Eastern Daylight Saving Time.