

# Legislative Journal

TUESDAY, JUNE 28, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 37

## SENATE

TUESDAY, June 28, 1977.

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

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

### PRAYER

The Chaplain, Monsignor LEO A. BEIERSCHMITT, Pastor of St. Catherine Labouré Shrine of the Miraculous Medal, Harrisburg, offered the following prayer:

Let us pray:

We pray Thee, O God of might, wisdom and justice, to guide this august Body representing the citizens of this great Commonwealth, to the enactment of just laws which will promote happiness, industry, sobriety among all and by Thy powerful protection, guide these representatives of the people in the discharge of their respective duties with honesty and ability. Amen.

The PRESIDENT pro tempore. The Chair thanks Monsignor Beierschmitt.

### JOURNAL APPROVED

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

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

### LEAVE OF ABSENCE

Senator NOLAN asked and obtained leave of absence for Senator REIBMAN, for today's Session.

## COMMUNICATIONS FROM THE GOVERNOR

### APPROVAL OF SENATE BILL

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

SB 249.

### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

He also presented communications in writing from His Excel-

lency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### MEMBERS OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE GENERAL HOSPITAL

June 28, 1977.

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 April 15, 1977 for the reappointment of the following as members of the Board of Trustees of Connellsville State General Hospital:

Martin S. Griglak, 206 South Ninth Street, Connellsville 15425, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified.

Walter J. Radishek, R.D. 2, Box 178, Perryopolis 15473, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified.

Paul J. Rohal, 1420 South Pittsburgh Street, South Connellsville 15425, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, 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.

### MEMBER OF THE WESTMORELAND COUNTY BOARD OF ASSISTANCE

June 28, 1977.

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 March 28, 1977 for the reappointment of Edward N. Plevel (Democrat), 1016 Leeds Avenue, Monessen 15062, Westmoreland County, Thirty-second Senatorial District, as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified.

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

MILTON J. SHAPP.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

**BILLS INTRODUCED AND REFERRED**

Senators NOLAN, KURY, ROSS, NOSZKA, MESSINGER, CIANFRANI and MURRAY presented to the Chair **SB 991**, entitled:

An Act amending the act of April 9, 1929 (P.L. 177, No. 175), entitled "The Administrative Code of 1929," changing the confirmation requirements for certain county officers.

Which was committed to the Committee on State Government.

Senator REIBMAN presented to the Chair **SB 992**, entitled:

An Act amending the act of March 10, 1949 (P.L. 30, No. 14), entitled "Public School Code of 1949," transferring the finance, budget, taxation, and policy decisions and functions of certain first class school districts to other officials; further providing for the function of certain first class school district's superintendents; designating certain first class school directors to be an advisory board only; providing for certain pre-audit functions and eliminating certain emoluments of office.

Which was committed to the Committee on Education.

Senator HOWARD presented to the Chair **SB 993**, entitled:

An Act amending the act of June 2, 1975 (P.L. 3, No. 2), entitled "A supplement to the act of May 28, 1937 (P.L. 955, No. 265), entitled, as amended, 'An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; . . . , providing for civil service protection for certain employees of certain housing authorities,' further providing for certain employees of housing authorities.

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

He also presented to the Chair **SB 994**, entitled:

An Act authorizing the Borough of Bristol, County of Bucks, with the approval of the Departments of Community Affairs, Environmental Resources and Justice and the Governor, to convey a certain tract of land located within said borough and acquired with Project 70 money and transferring the interest and restrictions relating to Project 70 lands to a tract of land to be acquired as part consideration for this conveyance.

Which was committed to the Committee on Environmental Resources.

Senators KURY, MURRAY, ROSS, NOLAN, SWEENEY, MELLOW, STAPLETON, McKINNEY, GURZENDA, SCHAEFER, ORLANDO and EARLY presented to the Chair **SB 995**, entitled:

An Act amending the act of May 28, 1937 (P.L. 1053, No. 286), entitled "Public Utility Law," removing the cost of fuel adjustment from the sliding scale of rates.

Which was committed to the Committee on Consumer Affairs.

**RECESS**

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

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

**CALENDAR****BILL ON CONCURRENCE IN HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 400 (Pr. No. 943)** — Senator NOLAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 400.

On the question,

Will the Senate agree to the motion?

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

**YEAS—49**

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

**NAYS—0**

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

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

**THIRD CONSIDERATION CALENDAR****PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 701 (Pr. No. 1069)** — 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,	Hager,	Lynch,	Ross,
Arlene,	Hankins,	Manbeck,	Scanlon,
Bell,	Hess,	McKinney,	Schaefer,

Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Holl,	Messinger,	Snyder,
Corman,	Hopper,	Moore,	Stapleton,
Dougherty,	Howard,	Murray,	Stauffer,
Duffield,	Jubelirer,	Nolan,	Stout,
Dwyer,	Kelley,	Noszka,	Sweeney,
Early,	Kury,	O'Pake,	Tilghman,
Fleming,	Kusse,	Orlando,	Wood,
Gekas,	Lewis,	Romanelli,	Zemprelli,
Gurzenda,			

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.

PREFERRED APPROPRIATION  
BILL ON THIRD CONSIDERATION AMENDED

SB 905 (Pr. No. 1070) — Considered the third time,

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

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

Amend Sec. 1 (Sec. 2), page 4, line 23, by striking out "1,655,000" and inserting: 1,575,000

\* \* \*

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum of \$249,000 appropriated from Commonwealth revenues for the Pennsylvania Crime Commission:

"Law Enforcement Assistance — Improving and Strengthening Law Enforcement" — For support of the organized crime control program. . . . [1,096,000]  
1,176,000

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

Senator HAGER. 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 HAGER. Mr. President, it appears that this amendment offers to appropriate LEAA funds, is that correct?

Senator NOLAN. That is correct, Mr. President.

Senator HAGER. Mr. President, it is also my understanding that we really cannot do this without the commitment of the Governor's Justice Commission which is, of course, chaired by the Attorney General; do we know whether he will, in fact, authorize such? Do we have such a commitment from the Attorney General?

Senator NOLAN. Mr. President, under Senate Bill No. 1542 which is an act on the books at the present time and has been settled in the courts, the Legislature in the Commonwealth of Pennsylvania has the authority to appropriate all Federal moneys. As has been said here on the floor a number of times this week and last week, we on this side of the aisle did not ob-

ject to the funding of the Crime Commission, but the manner in which it was to be funded.

It was our stand from the very beginning that, since the Crime Commission last year had been funded in the amount of \$1.2 million of LEAA money, that is where it should come from this year. This amendment addresses itself to that and appropriates \$80,000 for a thirty-day period in addition to the provision that has already been made for the Crime Commission with State moneys for a total, I believe of \$98,000 for a period of thirty days.

Senator HAGER. Mr. President, it is my understanding that with all LEAA funds, it is not sufficient that the Legislature approve where those funds go. This is a matter of Federal law and also requires the direction of the Governor's Justice Commission. My question remains, does the Majority Leader have the commitment of the Chairman of the Justice Commission, the Attorney General of Pennsylvania, that he will, in fact, or that the Commission itself will, in fact, approve the use of this money for this purpose?

Senator NOLAN. Mr. President, as I thought I pointed out, this happens to be Federal Revenue Sharing moneys and we, not only under Senate Bill No. 1542 but also the court decision of the Commonwealth Court, the Legislature, have the right to appropriate all Federal moneys coming into the Commonwealth. This is what this particular amendment will do, it will fund the Crime Commission in the amount of \$80,000 with LEAA money.

Senator HAGER. Mr. President, I thank the gentleman. I think he is incorrect. I think he is partially correct, but I think with LEAA funds there is a Federal law which states that any funds appropriated by the Legislature must also be approved by the Governor's Justice Commission. So, it is not enough. Anybody here who thinks they are effectively passing this money on right now to the Crime Commission, without the approval of the Governor's Justice Commission, is incorrect.

Mr. President, I must say, however, that with this proviso: It comes as a real surprise to me that you gentlemen are finally willing to fund the Crime Commission and keep it alive. I congratulate you. All of us over on this side of the aisle congratulate you in finally seeing the light. I can imagine that you are getting a little tired of voting "no" against the Crime Commission. Therefore, I would urge you to join all of us in voting "yes."

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

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

PREFERRED APPROPRIATION BILL ON THIRD  
CONSIDERATION AND FINAL PASSAGE

SB 906 (Pr. No. 1071) — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Kelley,

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.

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 494, 498, 500, 505, 510, 675 and 883** — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 200 (Pr. No. 220)** — 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

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

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 201 (Pr. No. 221)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Wood,

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

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

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**HB 263 (Pr. No. 283)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator COPPERSMITH. Mr. President, I would like to speak against House Bill No. 263. The point of the existing law is that many times people appeal in zoning cases in order to delay the erection of a competitor's building. The mere fact of an appeal, in effect, prevents any financing from being placed on the property until the appeal is decided.

To deal with the abuses that occurred, the law was amended to require the filing of a bond. This bill proposes that a bond only be required if a stay is granted by the court. If a stay is not required by the court, the mere fact of filing an appeal as a practical matter is a stay because you cannot get financing until the matter is litigated. The whole point of a bond is to reimburse the person who proposes to use the property in the event the appeal is dilatory or without merit.

For that reason, Mr. President, I oppose this bill.

Senator LEWIS. Mr. President, I rise in support of House Bill No. 263. The reason is because the bonding requirements as they have been applied, in fact, have effectively prohibited persons who believe that they have legitimate questions about the zoning decision from having that question determined by a court of law.

Mr. President, neither you, nor I, nor most of our constituents, have the financial capacity to post a bond so that they can have their day in court. The result is that, for most people, the court of final jurisdiction is the zoning board in the township or

the municipality in which they live. I think that if we are effectively going to open up the question of zoning decisions to the courts, where they rightfully belong, then we have got to stop prohibiting the average constituent from being able to seek that redress.

I do not think there is going to be any substantial detriment to a builder to have to wait for a few weeks or a few more months in order to have the question finally resolved. If there is a detriment to him, then what we have to do is to decide whether that detriment should be carried by that person who is trying to seek for his own profit the development of land or whether we are going to continue to impose a detriment and a penalty upon a resident of that area who wants to legitimately question the development that is being proposed. I think this is badly needed if we are going to try to bring some control in the run-away development that has been taking place in so many of our suburban areas.

Mr. President, I would respectfully request my colleagues to vote in favor of this bill.

Senator HILL. Mr. President, I would also oppose this bill. I feel that any builder who has obtained a permit or zoning approval to construct a number of dwellings or one dwelling, or whatever the project might be, and there is an appeal then taken from his permit giving that approval and there is an appeal filed against that zoning board decision, I feel that the builder to go ahead and build, pending the appeal, is taking quite a risk. He does it at his peril and very few well-advised builders or applicants for zoning approval would do that.

Therefore, Mr. President, I do not see that this bill is necessary.

Senator COPPERSMITH. Mr. President, in response to the gentleman from Bucks, Senator Lewis, I would like to point out that the bond is not mandated. The act presently says, "The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court."

Therefore, the court has the right, in a meritorious appeal, to set a very low bond. When the court feels that the appeal is dilatory and people are just trying to prolong the erection of the building, it could set a high bond.

This act corrects a very bad situation where people used the zoning appeal process really for extortion purposes, to get settlements and to create the ways where none were warranted. I feel very strongly that this is a bad bill, that the courts have not precluded the appeals in zoning cases where they have been meritorious and you know you can appeal indefinitely. You can go to the Court of Common Pleas, to the Superior Court, to the Commonwealth Court, to the Supreme Court and you can even file a certiorari right to the Supreme Court. It costs very little to do that, but it can delay a case for six months or a year, and building costs can escalate eight per cent, ten per cent during that period of time.

For that reason, Mr. President, I think this is not a merited bill to pass.

Senator LEWIS. Mr. President, there is no doubt that we are dealing with a very difficult situation in which there appears to be no middle ground. I am certain each of us here would like to achieve that plateau if it existed, but it does not; so somebody is

now going to have to bear a risk to possibly expose himself to delay or to expense.

The issue we are being faced with is whether that risk is going to be placed upon the one who is seeking, for his own financial advantage, the development of the land, being the builder, or whether we are going to continue to impose a risk upon a constituent, a resident of that area, a person who, under our system of jurisprudence is guaranteed access to the courts and being effectively denied that access by current law. We must make a choice. We have to decide whether we are going to proceed to effectively bar these people from redress or whether we are going to put them in a position where the total financial resources of their family are jeopardized by a reasonable appeal. That is the question before us. I think we have seen the alternative harm that has been imposed upon our communities by unchecked development as a result of these current bond requirements which must be changed.

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—20

Arlene, Bell, Dougherty, Early, Fleming,	Gekas, Holl, Howard, Jubelirer, Lewis,	McKinney, Messinger, Murray, Nolan, Noszka,	Ross, Scanlon, Sweeney, Tilghman, Zemprelli,
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NAYS—29

Andrews, Cianfrani, Coppersmith, Corman, Duffield, Dwyer, Gurzenda, Hager,	Hankins, Hess, Hill, Hopper, Kelley, Kury, Kusse,	Lynch, Manbeck, Mellow, Moore, O'Pake, Orlando, Romanelli,	Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Wood,
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Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

RECONSIDERATION OF HB 263

HB 263 (Pr. No. 283) — Senator TILGHMAN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 263, Printer's No. 283, just failed of final passage.

Senator FLEMING. Mr. President, I second the motion.

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

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, is that motion in order now

or must that not be placed after the Third Consideration Calendar?

The PRESIDENT pro tempore. The motion is in order now, Senator Kelley.

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

The PRESIDENT pro tempore. A roll call having been requested, the Clerk will call the roll.

Senator TILGHMAN. Mr. President, may we be at ease?

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

(The Senate was at ease.)

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Montgomery, Senator Tilghman, will state it.

Senator TILGHMAN. Mr. President, if we can reconsider the vote I do not wish, necessarily, to have the bill voted today. Can it not be put on the postponed Calendar? So the motion would be to reconsider the vote by which it was defeated and put it on a postponed Calendar.

The PRESIDENT pro tempore. That is correct, Senator Tilghman.

Senator HAGER. May we be at ease?

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

(The Senate was at ease.)

Senator KELLEY. Mr. President, the personal persuasion of the Minority Leader is the antithesis of his public performance and, therefore, I withdraw my request for a roll call.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

#### BILL OVER IN ORDER ON FINAL PASSAGE

Senator TILGHMAN. Mr. President, I request that House Bill No. 263 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.

#### BILLS OVER IN ORDER

**SB 320 and 508** — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 777 (Pr. No. 1086)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1), page 2, line 14, by striking out the bracket before "immediate" and inserting immediately thereafter: year preceding the

Amend Sec. 1 (Sec. 1), page 2, line 15, by striking

out "[ ] last filed annual tax report"

Amend Sec. 1 (Sec. 1), page 3, line 7, by striking out "in the last field annual tax report" and inserting: for the year preceding the immediate prior year

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 NOLAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 795 (Pr. No. 886)** — 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

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

#### 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 882 and 937** — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

#### BILLS ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 949 (Pr. No. 1055)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator STAUFFER. Mr. President, I would like to speak against Senate Bill No. 949. The remarks I shall make would apply equally well to Senate Bill No. 950, which follows.

Under present law, if a person has not voted in two years, his name is purged from the voter list. This bill proposes that we would extend that time for purge to four years. I think in so doing, Mr. President, we are going in the wrong direction because, in order to make the voting process easier, we have liber-

alized registration to the point that we now have postal card registration in Pennsylvania.

By extending the purge to four years, we would do two things: We would, of course, open the possibilities of fraud because there are people whose names should be removed from the list because of death, or moving and so forth, who would remain. The opportunity for fraud under those circumstances would certainly exist. But, above that, we are discouraging people from participating in the election process because we know, from experience, many people get excited about a Presidential Election and register and vote in the Presidential Election and then are very prone to ignore other elections such as municipal and State elections.

By making the purge every four years, we would permit someone to register to participate in the Presidential Election and then ignore the election process until the next Presidential Election. The result would be that we are not getting the kind of voter participation, under those circumstances, that we know is important and we have tried to encourage through the use of such techniques as postcard registration.

So instead of regressing as we will under this bill, Mr. President, I think we would do well to defeat it and maintain the present system in order to encourage people to participate and, in fact, force them to participate or else have their names removed from the voter registration list.

Senator DOUGHERTY. Mr. President, I rise to oppose both of these bills. I will speak to Senate Bill No. 949, although Senate Bill No. 950 applies primarily to Philadelphia.

Mr. President, I think, in view of what has happened in the City of Philadelphia with regard to the Crime Commission investigation of political corruption, for this Body to be considering a bill which would drive farther back the accountability for who is a legitimate elector in the City of Philadelphia from two years to four years, simply, in my mind, plays into the hands of those who want to corrupt the system.

Mr. President, we know, from the Crime Commission report, what happened in certain precincts or voting divisions and wards in the City of Philadelphia, where people were allowed to vote under names which would completely blow your mind.

The two-year rule, Mr. President, provides an orderly process by which political parties can determine who is or who is not currently registered. Notification to the chairmen of the political parties provides an opportunity to check and make sure that a person actually lives at the address at which he was previously registered. For this Body to pass this law, or to pass this bill and make it a law in the Commonwealth, where we have not purged the voting list for four years, is a disgrace.

Mr. President, I can say without hesitation that I believe what exists in Philadelphia as far as people voting who are not even alive, people voting who are not registered, people voting two and three times under assumed names, people voting out of abandoned houses, for us to come along and say, well, we had a system of two years, now we are going to make it four years, simply is unacceptable and I would seriously, and very strongly ask for a "no" vote on this bill.

Senator CIANFRANI. Mr. President, I am happy to say I wholeheartedly concur with my colleague from Philadelphia,

Senator Dougherty. Being a man of compassion, I believe in the two-party system and, therefore, I think the Republicans, if they want to come back to life, it would certainly be more advantageous to them—and I like competition—and I am going to vote with the gentleman from Philadelphia, Senator Dougherty.

Senator ROMANELLI. Mr. President, if this bill passes in its present form, the people in Dauphin County will not be able to get their five new registrations or their ten change of party's to get a job.

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—13

Early, Kelley, Kury, McKinney,	Mellow, Nolan, Noszka,	Orlando, Ross, Scanlon,	Schaefer, Smith, Stout,
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NAYS—36

Andrews, Arlene, Bell, Cianfrani, Coppersmith, Corman, Dougherty, Duffield, Dwyer,	Fleming, Gekas, Gurzenda, Hager, Hankins, Hess, Hill, Holl, Hopper,	Howard, Jubelirer, Kusse, Lewis, Lynch, Manbeck, Messinger, Moore, Murray,	O'Pake, Romanelli, 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.

SB 950 (Pr. No. 1056) — 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—13

Early, Kelley, Kury, McKinney,	Mellow, Nolan, Noszka,	Orlando, Ross, Scanlon,	Schaefer, Smith, Stout,
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NAYS—36

Andrews, Arlene, Bell, Cianfrani, Coppersmith, Corman, Dougherty, Duffield, Dwyer,	Fleming, Gekas, Gurzenda, Hager, Hankins, Hess, Hill, Holl, Hopper,	Howard, Jubelirer, Kusse, Lewis, Lynch, Manbeck, Messinger, Moore, Murray,	O'Pake, Romanelli, 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.

## BILL OVER IN ORDER ON FINAL PASSAGE

**HB 987 (Pr. No. 1307)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I would like to interrogate someone on this bill but I really do not know who.

There are some questions I would like to have answered and I really do not know to whom to direct the questions.

The PRESIDENT pro tempore. Are there any volunteers on the floor? We are talking about House Bill No. 987, Printer's No. 1307.

Proceed, Senator Mellow, I do not see any volunteers.

Senator MELLOW. Mr. President, there are, what I consider to be, some unanswered questions concerning this particular piece of legislation. Before the Senate is asked to vote on final passage, we should have some idea of what the answers to these questions are. For example, in Section 17, line 18 on page 1 through line 4 on page 2, I would like to know just exactly what tracks they deal with.

There is another instance on page 2, line 1, when they talk about previous meet of a permit holder, where I would like to know exactly what is meant by "previous meet" of a permit holder when part of their meet is held at one track and part of the meet is held at another track.

If there is no one who can answer these questions, I then would ask that the bill go over until we can get some answers to these questions.

May we be at ease for a moment?

The PRESIDENT pro tempore. The Senate will be at ease.  
(The Senate was at ease.)

## REQUEST FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, I request at this time that House Bill No. 987 go over in its order.

The PRESIDENT pro tempore. At the request of Senator Nolan, without objection, House Bill No. 987 will go over in its order.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator ROSS, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES OF  
CHEYNEY STATE COLLEGE**

June 24, 1977.

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 April 18, 1977 for the reappointment of Arthur Thomas, 537 Arbutus Street, Philadelphia 19119, Philadelphia

County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January 1983, 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.

**MEMBER OF THE PENNSYLVANIA GAME COMMISSION**

June 24, 1977.

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 April 15, 1977 for the appointment of Lester L. Greevy, Jr., Esquire, R.D. 2, Nippenose Valley, Jersey Shore 17740, Lycoming County, Twenty-third Senatorial District, as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January 1985, and until his successor shall have been appointed and qualified, vice Andrew C. Long, Shamokin, whose term expired.

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

MILTON J. SHAPP.

**MEMBERS OF THE BOARD OF TRUSTEES OF  
CONNELLSVILLE STATE GENERAL HOSPITAL**

June 28, 1977.

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 April 15, 1977 for the reappointment of the following as members of the Board of Trustees of Connellsville State General Hospital:

Martin S. Griglak, 206 South Ninth Street, Connellsville 15425, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified.

Walter J. Radishek, R.D. 2, Box 178, Perryopolis 15473, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified.

Paul J. Rohal, 1420 South Pittsburgh Street, South Connellsville 15425, Fayette County, Thirty-second Senatorial District, to serve until the third Tuesday of January 1983, 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.

**MEMBER OF THE BOARD OF TRUSTEES OF  
SOMERSET STATE HOSPITAL**

June 27, 1977.

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 April 15, 1977 for the reappointment of Frank R. Graham, 457 Hillview Avenue, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January 1983, 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.



MEMBER OF THE CRAWFORD COUNTY BOARD  
OF ASSISTANCE

June 27, 1977.

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 March 28, 1977 for the appointment of Mrs. Joan Marie Zolbrod (Democrat), 779 Rogersferry Road, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1979, and until her successor is duly appointed and qualified, vice Mrs. Dorothy Sutley, Guys Mills, whose term expired.

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

MILTON J. SHAPP.

MEMBER OF THE ERIE COUNTY BOARD  
OF ASSISTANCE

June 24, 1977.

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 March 28, 1977 for the appointment of Byron E. Leftwich (Republican), 225 Lake Street, Girard 16417, Erie County, Forty-ninth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice Elwin Wade, Erie, resigned.

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

MILTON J. SHAPP.

MEMBER OF THE WESTMORELAND COUNTY BOARD  
OF ASSISTANCE

June 28, 1977.

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 March 28, 1977 for the reappointment of Edward N. Plevel (Democrat), 1016 Leeds Avenue, Monessen 15062, Westmoreland County, Thirty-second Senatorial District, as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified.

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

MILTON J. SHAPP.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROSS. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator ROSS, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following

nominations, made by His Excellency, the Governor, which were read by the Clerk as follows:

MEMBER OF THE STATE ART COMMISSION

June 7, 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 William G. Swain, 413 Harper Drive, Monroeville 15146, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Art Commission, to serve until the third Tuesday of January 1979, and until his successor shall have been appointed and qualified, vice M. Robert Fenton, Pittsburgh, resigned.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA LABOR  
RELATIONS BOARD

June 7, 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 James H. Jones, 6673 Sprague Street, Philadelphia 19119, Thirty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1983, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP.

MEMBERS OF THE BOARD OF TRUSTEES OF  
WOODVILLE STATE HOSPITAL

April 15, 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 the following for reappointment as members of the Board of Trustees of Woodville State Hospital:

Sanford C. Aderson, 5150 Beeler Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified.

Mrs. Elizabeth S. Stern, 1943 Wightman Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, to serve until the third Tuesday of January 1983, and until her successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE ALLEGHENY COUNTY BOARD  
OF ASSISTANCE

March 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 the following as a member of the Allegheny County Board of Assistance:

Mrs. Jane G. Freeland (Republican), 5631 Woodmont Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Eleanor M. Bergholz, Pittsburgh, resigned. (Appointment)

MILTON J. SHAPP.

MEMBER OF THE ALLEGHENY COUNTY BOARD  
OF ASSISTANCE

May 5, 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 Robert Steven Bernstein (Democrat), 7719 Stanton Avenue, Pittsburgh (Swissvale) 15218, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified, to increase Board membership.

MILTON J. SHAPP.

MEMBER OF THE BUCKS COUNTY BOARD  
OF ASSISTANCE

June 15, 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 Richard M. Kardon (Democrat), 49 Oak Drive, New Britain 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified, vice Mrs. Sally Leasure, Carversville, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE CENTRE COUNTY BOARD  
OF ASSISTANCE

June 13, 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 Mrs. Margaret Ruth French (Democrat), 544 Kemmerer Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Dorothy A. Sanford, State College, resigned.

MILTON J. SHAPP.

MEMBER OF THE MIFFLIN COUNTY BOARD  
OF ASSISTANCE

May 5, 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 Mrs. Charlotte A. Fisher (Democrat), 120 West Fourth Street, Lewistown, 17044 Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Mifflin County Board of Assistance, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Mary R. Schucht, Lewistown, resigned.

MILTON J. SHAPP.

MEMBERS OF THE MONTGOMERY COUNTY BOARD  
OF ASSISTANCE

June 20, 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 the following for appointment as members of the Montgomery County Board of Assistance:

Mrs. Emily Cannan (Democrat), R.D. 2, Delphi Road, Schwenksville 19473, Montgomery County, Nineteenth Senatorial District, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Dorothy S. Malin, Hatfield, resigned.

(Mr.) Dee F. Wampler (Democrat), 1436 Cherry Lane, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice Leo Eshbach, Esquire, Pottstown, resigned.

MILTON J. SHAPP.

MEMBER OF THE PHILADELPHIA COUNTY BOARD  
OF ASSISTANCE

March 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 the following for reappointment as a member of the Philadelphia County Board of Assistance:

Mrs. Viola Sanders (Republican), 907 North Twelfth Street, Philadelphia 19123, Philadelphia County, First Senatorial District, to serve until December 31, 1979, and until her successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE YORK COUNTY BOARD  
OF ASSISTANCE

June 15, 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 the following for appointment as a member of the York County Board of Assistance:

Karl Duprey Klauck, Esquire (Democrat), 1730 Randolph Drive, York 17403, York County, Twenty-eighth Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice John D. Raborn, Jr., York, resigned.

MILTON J. SHAPP.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator ROSS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator ROSS asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

### NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nominations reported from committee today and previously read by the Clerk.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nominations of Honorable Harold E. Bell, as a member of the Board of Trustees of Edinboro State College, and Frank G. Thompson, as a member of the Board of Trustees of Warren State Hospital.

These nominations were previously laid on the table June 21, 1977.

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES OF EDINBORO STATE COLLEGE

April 18, 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 the following for appointment as a member of the Board of Trustees of Edinboro State College:

Honorable Harold E. Bell, 388 Independence Court, Sharon 16146, Mercer County, Fiftieth Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified, vice Louis J. Morocco, Farrell, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

April 18, 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 the following for appointment as a member of the Board of Trustees of Warren State Hospital:

Frank G. Thompson, Box 795, Hartstown 16151, Crawford County, Fiftieth Senatorial District, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified, vice Edmund Dean, Meadville, whose term expired.

MILTON J. SHAPP.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 927 (Pr. No. 1130) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

SB 696 (Pr. No. 1110) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

HB 111 (Pr. No. 124) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 207, SB 334, HB 534, SB 581, 582, 590, 594, HB 626, SB 691 and 767 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

SB 774 (Pr. No. 824) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?  
Senator McKINNEY offered the following amendments:

Amend Title, page 1, line 25, by removing the period after "district" and inserting: and to provide three additional judges of the Traffic Court of Philadelphia.

Amend Sec. 1, page 3, line 28, by inserting after "acts."": In addition to the judges of the Traffic Court of Philadelphia provided for in the act of October 17, 1969 (P. L. 263, No. 106), entitled "An act providing for the Traffic Court of Philadelphia," three additional judges are hereby authorized and provided for the Traffic Court of Philadelphia who shall have the same qualifications as the President Judge of that court and who shall receive the same compensation as the other judges of that court.

Amend Sec. 2, page 5, by inserting between lines 21 and 22: At the municipal election in November, 1979, the qualified electors of the first judicial district shall elect three persons to serve as additional judges of the Traffic Court of Philadelphia for a term of six years. Vacancies in the office hereby created whether caused by death, resignation, expiration of term or otherwise shall be filled in the same manner as is required by law in case of similar vacancies in the office of President Judge of the court.

Amend Sec. 3, page 6, line 30, by inserting after "district": , and three competent persons to serve as judges of the Traffic Court of Philadelphia,

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 McKINNEY.

#### BILLS OVER IN ORDER

**SB 864 and 942** — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

#### BILLS ON SECOND CONSIDERATION

**SB 956 (Pr. No. 1062)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**SB 967 (Pr. No. 1108)** — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

#### MOTION TO REREFER

Senator STAUFFER. Mr. President, I move that Senate Bill No. 967 be rereferred to the Committee on Appropriations for the purpose of a fiscal note.

On the question,

Will the Senate agree to the motion?

Senator STAPLETON. Mr. President, I object to the motion that Senate Bill No. 967 be rereferred to the Committee on Appropriations.

Mr. President, I ask for a roll call vote on the motion.

Senator NOLAN. May we be at ease, Mr. President?

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

(The Senate was at ease.)

#### MOTION TO REREFER WITHDRAWN

Senator STAUFFER. Mr. President, I will withdraw my motion to rerefer Senate Bill No. 967. Instead, when the bill is called up I would like to offer amendments.

The PRESIDENT pro tempore. Senate Bill No. 967 has been called up. Do you withdraw your motion?

Senator STAUFFER. I do, Mr. President. I would like to offer the following amendments to Senate Bill No. 967.

And the question recurring,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendments:

Amend Sec. 103, page 6, line 16, by striking out "residing" and inserting: who resides

Amend Sec. 103, page 6, line 18, by striking out the period after "person" and inserting: and who, during the preceding 12 months, worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal farmworker" includes both migratory and nonmigratory farmworkers, but does not include nonmigratory individuals who are full-time students, or supervisors or other farmworkers.

On the question,

Will the Senate agree to the amendments?

Senator STAUFFER. Mr. President, Senate Bill No. 967 deals with seasonal farmworkers and migrant farmworkers. The bill, as it has been reported from committee, contains a definition of "seasonal farmworker" which differs from the definition contained in the Federal register, as used by the United States Department of Labor.

Since we are dealing with programs under the Comprehensive Training Act, it seems to me that if we were to have a definition in our statute which would be identical to that used at the Federal level, we would have a statute which would permit the farm employers in the Commonwealth to work under one definition instead of working under two different definitions and two different statutes, one State and one Federal.

The effect of these amendments would be to put the same language into the Pennsylvania act as is contained in the Federal statute.

Further, the effect of this will not, in any way, violate the carefully worked out legislation pertaining to migrant farmworkers with one single exception and that is that it will affect those who work in the mushroom industry, mainly in Chester County and Berks County.

I think anyone who is familiar with the mushroom industry is well aware of the fact that, although this is a farming operation, it is not a crop which is grown in large fields and is not grown under conditions which attract migrant workers in the terminology that is generally accepted. These are grown in buildings. They need darkness, of course, and dampness and so forth to properly cultivate mushrooms. The buildings are, by all standards, rather small. We are talking about mushroom houses which are small buildings. There are many, many growers, all of whom are rather small in size. The result is, when we talk about a seasonal farmworker in this one particular farming operation, we are talking about someone who might work in one mushroom facility in the morning and go a

quarter of a mile or a half mile down the road to work in another in the afternoon. We are not talking about workers who are migrating over great distances and who are in the farm camps that we are so familiar with when we hear the discussion of the problems of the migrant farmworker. It is for that reason that I believe we can remove these people from this particular statute and it will not do harm or an injustice to the program we are trying to develop.

I think along with this we have to recognize the fact that the mushroom industry has been a very hard-hit industry because of two factors: One, the great competition from areas like Taiwan where, with very, very cheap labor, we are being flooded with imports at prices much lower than it is possible to grow the crop in Pennsylvania because of the type of wage standards we have here in the United States.

This is an important industry to Pennsylvania. It is an industry which generates something in the neighborhood of over \$25 million a year in value to the commerce of Pennsylvania. We also have to recognize that a couple of years ago there was a botulism scare which devastated the industry. The fact that one product was found in one packing plant that contained botulism created a fright that extended throughout the country and helped to reduce the sales of the product and thereby endangered the industry even further.

Therefore, with this kind of reasoning and the fact that we will have a statute which will contain a definition that will be identical to the Federal act, I think the amendments are well advised and I would ask for the support of my colleagues.

Senator STAPLETON. Mr. President, I certainly want to speak in opposition to the amendments.

First of all, as I looked at the amendments that were prepared, I see that both of the amendments are in error since they refer, first of all, to the wrong lines in the bill. However, certainly that could be corrected. But I want to speak beyond the error.

Mr. President, as to the substance of the first amendment, which would alter the phrase: "Any person residing in living quarters" to "Any person who resides in living quarters," certainly this seems to me to be an unnecessary amendment, since it does not alter the meaning of the phrase or the sentence.

As for the second amendment on which the gentleman from Chester, Senator Stauffer, elaborated, this amendment was presented at the meeting of the Committee on Agriculture and Rural Affairs last Tuesday, June 21st, at the time the bill was reported out. The amendment was defeated in committee. This is a definition that was considered in a series of meetings that preceded the introduction of the bill and it certainly was unacceptable to the many groups who have worked so hard in getting this bill into the position it is today.

As to the definition of "seasonal farmworkers," Mr. President, to conform with the definition in Federal law, yes, I believe this is good. If it can be worked out, it should be. But, in this particular case, to make definitions of similar terms match in State and Federal law by these amendments it would deprive several thousand mushroom workers of the protection of this bill. What it would do is, it would eliminate all mushroom workers from participating in a bill that we feel is very necessary.

Mr. President, we go a little further than the Federal government does with the Federal law. There is a weakness in the Federal law and we have corrected that weakness and we want to include the mushroom workers. That is the feeling of some of the people who have participated in this for several months, people whom we have worked very closely with, such as the League of Women Voters, the American Civil Liberties Union, the Pennsylvania Farmers' Association, the Pennsylvania Council of Churches, the Pennsylvania Catholic Conference, and we all believe that this bill is in position now where it will do a great deal for seasonal farmworkers in this State of ours. It establishes, of course, the standards of their wages, their hours, the conditions of work and housing. The bill seeks to control the activities of the crew chiefs. It certainly will improve conditions for seasonal farmworkers and their families and also, we want to remember, that small farmers—the great majority of Pennsylvania farmers—are not affected by this bill since they are operated by their own family or a few people, usually their own family. They are not covered under this bill.

Minimum wages are to be paid to workers and such wages are to be paid in full without deductions. I think we have done a good job in this bill and I certainly would ask my colleagues to vote against these amendments because they do nothing more than eliminate the mushroom workers. We feel they should be included in it.

Senator MESSINGER. Mr. President, the history of this bill is a long one. I think it is more than thirty-five years in the making, and it is this bill on which there is finally agreement among all the groups who were interested. I could talk for hours about this particular subject of migrant labor and I will tell you, if we keep arguing much longer about it, we will find out there will not be any migrant laborers left to protect.

Mr. President, I feel that the amendments being proposed are in the wrong direction and I urge my colleagues to vote against the amendments and to accept the bill as it is presently written.

Senator SNYDER. Mr. President, I speak in support of the amendments. In Pennsylvania we go to great lengths to get new enterprise. We give new highways, we lay railway spurs, we grant tax favoritism, even to the detriment of local taxing units: we advance money for twenty years or more without payment of principal, we do it at two per cent. All of this is in the interest of getting new industry.

Mr. President, what we should pay particular attention to is taking care in a fair and equitable way the enterprise which we already have. It is true the mushroom industry does operate under peculiar, but necessary, circumstances. If we were to inquire into the living conditions of cowboys, who are on the screen or in the films quite dramatically, or into the Basque shepherders, we would find that their standards, perhaps, do not rise to the degree that the persons in this room would want. But, to be realistic, the people who do this work want their jobs, they want them to continue and as the gentleman from Chester, Senator Stauffer, so well said, we are under very severe competition with foreign labor in this area, particularly Formosa and Taiwan.

Mr. President, I think in the interest of protecting Pennsylvania industry, these amendments are merited. I do not want to

detract from the very worthy and idealistic efforts of the many groups that collaborated on the rest of the bill, but I do think they had a blind spot and the blind spot was the mushroom industry, which is substantial, which is a part of Pennsylvania. It is unique to Pennsylvania; indeed, I think nearly all the mushrooms grown in the country are grown here. I think it is not asking too much of this Body to make an exception in favor of Pennsylvania enterprise. I would urge a "yes" vote on the amendments.

Senator DUFFIELD. Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

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

Senator STAUFFER. I will, Mr. President.

Senator DUFFIELD. Mr. President, not being a mushroom grower—I have picked probably more mushrooms than the Women Voters, but I would like to ask the gentleman approximately how many people are involved in this? I ask it for the purpose of information, not argument.

Senator STAUFFER. Mr. President, we are talking about a couple of thousand people, not a lot of people.

Senator DUFFIELD. Mr. President, was there not a bill before us in the Senate a year or two ago—and this is another interrogatory—to determine whether these people were farmworkers or not?

Senator STAUFFER. That is right, Mr. President. There was legislation before the Senate in the last Session which would have declared them nonfarmworkers and placed them under the Unemployment Compensation program which is generally given to factory workers.

Senator DUFFIELD. Now, Mr. President, the idea is to declare them farmworkers after we declared them nonfarmworkers a couple of years ago, is that correct?

Senator STAUFFER. That is right, Mr. President.

Senator DUFFIELD. Mr. President, by declaring them nonfarmworkers, as I understand it, we take them out of the minimum wage, and so forth, with the requirements brought out by the gentleman from Indiana, Senator Stapleton?

Senator STAUFFER. That is correct, Mr. President. The efforts to take them out of the category of farmworker would have put them under the minimum wage and under the UC program and all of the other various programs that are attributed to factory workers but not to farmworkers.

Senator DUFFIELD. Mr. President, is it not true then—to reiterate the point, not prolonging it—that a few years ago this Body declared that they were farmworkers?

Senator STAUFFER. Mr. President, this Body, at that time, passed a bill saying that they were not farmworkers. The bill went over to the House of Representatives with the provision which would have placed them in the category of factory workers. I believe the history in the last Session was such that the bill left here late enough in the Session that the House did not get around to acting on the bill and it did not become law in the last Session.

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

I voted for these amendments in committee on the advice of the great mushroom man, the gentleman from Berks, Senator

O'Pake, to whom I go for my advice on growing mushrooms. I just wanted to clear up a few other points with the other mushroom man, the gentleman from Chester, Senator Stauffer.

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—13

Cianfrani,	Fleming,	Holl,	Manbeck,
Corman,	Hager,	Howard,	Snyder,
Duffield,	Hill,	Kusse,	Stauffer,
Dwyer,			

#### NAYS—34

Andrews,	Hess,	Messinger,	Ross,
Arlene,	Hopper,	Moore,	Scanlon,
Bell,	Jubelirer,	Murray,	Schaefer,
Coppersmith,	Kelley,	Nolan,	Smith,
Dougherty,	Kury,	Noszka,	Stapleton,
Early,	Lewis,	O'Pake,	Stout,
Gekas,	Lynch,	Orlando,	Sweeney,
Guزندا,	McKinney,	Romanelli,	Zemprelli,
Hankins,	Mellow,		

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

And the question recurring,  
Will the Senate agree to the bill on second consideration?  
It was agreed to.  
Ordered, To be transcribed for a third consideration.

### UNFINISHED BUSINESS

#### REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as amended, SB 843 and 879.

Senator COPPERSMITH, from the Committee on Public Health and Welfare, reported, as committed, SB 901; as amended, SB 168.

Senator MCKINNEY, from the Committee on Constitutional Changes and Federal Relations, reported, as committed, HB 144.

Senator ZEMPRELLI, from the Committee on Business and Commerce, reported, as committed, HB 613 and 616; as amended, HB 631.

### SENATE RESOLUTION

#### SENATE COMMITTEE TO INVESTIGATE DEPARTMENT OF ENVIRONMENTAL RESOURCES' PRACTICES INVOLVING SALE, REMOVAL AND DESTRUCTION OF STATE-OWNED BUILDINGS OR PROPERTY

Senators MELLOW, STAPLETON, LEWIS, SWEENEY, BELL and HOLL offered the following resolution (Serial No. 50), which was read and referred to the Committee on Environmental Resources:

In the Senate, June 28, 1977.

RESOLVED, That the President pro tempore of the Senate appoint seven members of the Senate consisting of four members of the majority party and three of the minority party to constitute a committee to investigate the Department of Environmental Resources' practices involving the sale, removal and destruction of State-owned buildings or property and the practice of renting State-owned properties by the Department of Environmental Resources considering the return on investment and maintenance; and be it further

RESOLVED, That the Committee may hold public hearings, take testimony and make its study at such places as it deems necessary within this Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That within 30 calendar days after the committee has made its report, the chairman of the committee shall cause a record of all expenses incurred by the committee, or the members thereof, which are payable by the Commonwealth to be filed with the President pro tempore of the Senate who shall cause the same to be entered in the journal thereof. No expenses incurred by the committee or any member thereof shall be reimbursable by the Chief Clerk unless such expense shall first have been included as an expense item in the record heretofore required and be it further

RESOLVED, That the committee report its findings to the Senate as soon as possible.

### 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 the Mercer Mustangs boys basketball team by Senator Dwyer.

Congratulations of the Senate were extended to Lynne C. Grote by Senator Manbeck.

Congratulations of the Senate were extended to Mr. James R. "Bricky" Lee by Senator Ross.

### 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 168, 843, 879, 901, HB 144, 613, 616 and 631.**

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

### PETITIONS AND REMONSTRANCES

Senator DUFFIELD. Mr. President, I rise for a few minutes to bring to the attention of the Senate a very disturbing condition that exists in southwestern Pennsylvania. We have heard quite a bit of talk here about the Crime Commission, and so

forth, and funding agencies to investigate criminal activities.

We have a situation in the adjoining County of Washington where, since January of this year, there have been four young girls killed and raped. Two weeks ago, just across the State line in West Virginia, another girl was also killed and raped, making five since the first of the year.

People in Washington County, in my county and in that general area are very alarmed. It is not safe for a young girl to go out in her car at night. Somehow the modus operandi of the killers is that she voluntarily stops her car for some reason or other. One girl who was killed is the type of girl who locks her car when she first gets in the car and does not open it for anyone. Yet on this particular occasion, about a month ago, she was molested and killed.

We had a similar occurrence in Greene County a year or so ago when a young girl about six or seven years of age was raped and killed. The State Police investigating came up with nothing. It has been over a year.

In my own county, two or three years ago, a young boy, seventeen, was killed, brutally killed by an unknown assailant. Those are six murders of young people in southwestern Pennsylvania that the State Police have been asked to investigate and it looks like we are going to have to wait until another young girl is killed and molested—they might leave some clue at that time that will make it easy for these traffic cops to solve these crimes.

I was going to mention this under Petitions and Remonstrances last week. Going home I noticed that the residents of Washington County were up in arms so much that the Governor called in the State Police Commissioner. He assured the Governor that they were doing everything they could. In fact he said they had twenty State Policemen working on it and would put more there, if necessary.

From my experience in trying cases and defending cases, I do not think the State Police are qualified to solve serious cases of this sort. Oh, yes, they are good at finding somebody who hit somebody out in the country or tracing somebody's license down or finding used cars, but these are six serious murder cases that have occurred in southwestern Pennsylvania. As far as we can learn, they do not even have a clue to the culprit who is responsible for the rapes and killings of these young people.

I do not know whether the Federal Bureau of Investigation may come in on it. I think there should be enough reason now since just two or three weeks ago a girl met the same fate with the same modus operandi. In fact, this girl who was killed in West Virginia was a young nun. She was out praying under the trees within a hundred yards or so of the convent. She was attacked by some assailant, brutally stabbed, brutally raped.

The modus operandi of the various crimes certainly fits the one in West Virginia which, I think, should be cause enough for the Governor of the Commonwealth or the State Police Commissioner to request the help of a group that halfway knows what they are doing.

The very fact—and if this occurred in any other District—we saw on television there were seven murders in Michigan, it became a great national scandal. Here we have six unsolved murders in southwestern Pennsylvania. The State Police, as far as I know from the latest word, do not even have a clue. The

question is, are they competent to solve this sort of a crime or should some other means be taken? The only other means that I might suggest is that we implore and we ask the cooperation of the FBI on this matter. As I understand it, the latest situation is that the FBI is permitting the State Police to use the services of their lab technicians. That does not solve these crimes.

I do not think we pay enough attention in our State Police activities—from what I have seen of the State Police—to actual investigative work of serious crimes. Yes, it is easy to bust off several dope addicts by posing some guy as a long haired hippy and he goes out and gives them some money and he buys dope from them. That is the easy way of criminal investigation.

I think that since this is persistent, extending over at least two years—the recent four murders were since the first of the year, but the other two cases go back at least two to three years, possibly longer. A young boy in Fayette County was killed, no clues, not even any arrests or anything.

I think when we devote so much attention to worrying about official graft and corruption, which we should do in the State, we should also devote attention to the fact that on our streets today, especially in Southwestern Pennsylvania, our daughters are not safe to drive a vehicle under any circumstances.

I did not jump up just after it occurred. I realize that some of these things take time. However, my worry is unless we do something about it and get a little more fire or get some people in who know what they are doing, the only way they are going to solve this series of cases is by some other daughter, maybe my daughter or someone else's daughter, driving in the vicinity of Washington County, her car being stopped and she will be brutally murdered and raped. That is an apprehension.

I understand the Legislators and the Senator from Washington County are also very concerned about this matter. They have been imploring the Governor and the State Police Commissioner to try to get something done. It is a very serious matter, far more serious than whether anybody cheated in politics or anything like that. It is a matter of life and death for our young people.

I think it is the duty of this Senate and the House of Representatives to possibly investigate the matter, to find out how many of these unsolved murders we have had in Fayette County and western Pennsylvania and Pennsylvania as a whole; find out just where the ineptness of our—should we designate them merely as traffic patrols and let them catch speeders by radar, which they are very good at, or should we have a very highly trained criminal investigation department that can solve these crimes?

I know, as defense counsel for many years, when I had the State Police prosecuting murder cases, I won them all because they were not prepared to come to court with the facts. They were not prepared to conduct a thorough investigation, and I think it is a crying shame.

I hereby indict, by this speech, the State Police of Pennsylvania for not being able to solve some of the most heinous crimes that have ever been perpetrated in the Commonwealth of Pennsylvania. I do not want them to sit on their—I hope they solve it tomorrow—I will then get up and give them all the plaudits. I hope the case is solved tomorrow, even tonight—but it

gets any more that, unless you give a signed statement, or you go in and confess to everything, they do not even arrest you and even if you do give a signed statement, then the Appellate Courts throw them out because of some defect in the statement.

I am bringing this to the attention of the Senate; if progress is not made in the near future, I will request a committee of the Senate, probably a joint committee, to conduct an investigation of the ability of our Pennsylvania State Police to solve serious homicide cases, rape cases and the serious cases that affect people's safety and their lives. I hope, as I said before, that they are able to solve this matter or at least bring some progress to the investigation because the people in my county and the people in Washington County and southwestern Pennsylvania are scared today. They will not even let their daughters take their cars out, no matter how careful they are. There must be some person in authority—this is the opinion of the coroner of Washington County, as I understand it—in that some of the girls who were molested would not have stopped their car under any circumstances while out late at night on the road. So it is casting aspersions on any agency that is able to stop a car on the highway. It is casting aspersions on so many construction workers, as I understand, who were presumably around the scene.

Be that as it may, I wonder, first, if our State Police are trained properly to conduct a full scale investigation of serious crimes. Secondly, I wish to state if progress is not made pretty soon, I am going to request an investigation of the ability of the State Police of Pennsylvania to do anything outside of radar. Thirdly, since another killing did occur just across the State line of this nun, I think that it is appropriate to bring in the Federal Bureau of Investigation and I shall request the Governor, or whoever has the responsibility to do that, to get it done, because this has to stop. To me it is much more serious than some of the other matters that involve this State because it involves the matter of life and death.

Senator HAGER. Mr. President, the matters just touched upon by the gentleman from Fayette, Senator Duffield, certainly are very serious matters and do deserve the attention of this Body.

One of the problems, of course, that any law enforcement body faces is the crippling that it feels at the hands of the present law and I join the gentleman from Fayette, Senator Duffield, in hoping that these crimes are solved. I hope he will also join us in supporting two measures which we have introduced on this side of the aisle, Senate Bill No. 592, which strengthens the immunity law, which makes it possible for police officers to compel testimony from people who otherwise are unwilling to testify; also Senate Bill No. 900, which permits limited wiretapping under very protective circumstances and also body bugging under very protective circumstances; both of which go a long way toward helping all law enforcement officials, not just the State Police.

I am encouraged that that may happen, Mr. President, because of the action taken by the Majority here today. I want to congratulate them. After considerable persuasion, they finally, at the eleventh hour, did agree to fund the existing Crime Com-



mission for an additional thirty days. It took a long time to get their attention. I suspect we had the help of the media and the public and I want to thank them for helping to convince you to take this responsible position. I do not think for a moment, however, and neither should they, that the problem is solved by this thirty-day reprieve.

For the moment, I do want to point out that the pattern of 1977 is continuing, a badly outnumbered Minority, with the media and the public as its allies, can accomplish and is accomplishing good government for the people. We shall continue. The problem has not been solved because thirty days from now, unless something else is done, this Crime Commission will die and we still have not gotten to the issue of a really, truly Independent Crime Commission.

Because this has happened tonight, Mr. President, we are going to ask the Majority to keep moving in the right direction by reconsidering the vote by which they refused to discharge the Independent Crime Commission bill from committee. The Senate will once again have the chance—particularly the Members of the Majority—to vote to create a truly independent and permanent Crime Commission or, up front where everyone can see, stand against the true public yearning for an end to organized crime and an end to government corruption.

Mr. President, I know there are many on the other side of the aisle who would like to see such a truly independent Commission. I ask them to seize the opportunity to demonstrate that desire by voting with us tomorrow when the reconsideration motion is made.

Senator SNYDER. Mr. President, there have been reports in the press that the Governor contemplates appointing Frank Beal, the present Secretary of Welfare, to the Public Utility Commission. Almost coincidentally, there has appeared from the Department of Public Welfare, in the form of a press release, a listing of the presumed accomplishments of Secretary Beal and the Department.

The hopes of Secretary Beal for appointment are something we can take up at leisure and can be considered on their own merits. However, I think we should not be misled into thinking that Secretary Beal has had a record of conspicuous accomplishments in the Department. In fact it is a most pedestrian and surface improvement, if any.

Among the things that he listed as a progressive step in the Department was improving the operation of the claims settlement activity. This is the area in which the Department attempts to recoup money that it feels has been fraudulently or, at least, quite mistakenly given out. I sent for the figures of the status of cases in the claims settlement division and, Mr. President, they are horrible. There are presently pending claims numbering 172,154 in which restitution is suggested by the district offices of the Department of Welfare. That unbelievably high and utterly unmanageable stack of claims over in the Bureau of Claims Settlement is far beyond the ability of that Bureau even if it were to have tenfold its personnel to handle it.

There is something wrong over there. I have said before that it was wrong under Governor Shafer, it continued to be wrong under Governor Shapp. There is just not the kind of management that keeps the welfare load within manageable and proper limits. This puffing press release also boasts of the spe-

cial investigation unit in the Department. This, too, is a toothless bulldog if you try to find what it is accomplishing. Whether it is understaffed or undermanned, the fact remains that it is not producing any results to speak of.

The Secretary boasts of computerizing the entire cash assistance and the medical assistance programs. Well, what he might fitly add is that this is four years late. We had a meeting four years ago up in the Joint State Government Commission room, as I recall. We had a Mr. Black there from the Department who told what could be done. The Department has delayed and lingered and now makes a virtue out of moving into what it should have moved into long since.

The Secretary boasts of a number of changes within the Department—restructuring, shifting people around. This is not progress in a true sense. If the Secretary wanted to make some progress, he would eliminate the regional offices which are a thorn in the flesh of all the county offices and which are paper-shuffling way stations and accomplish nothing constructive to speak of for the Department.

Mr. President, I will not linger any more on it, but I do think that neither we nor the press should be misled by press releases that tell how great things are when the truth is that this Department is slipshod, it has loose policies, it is wasteful of public funds by the millions of dollars and until it is put on a sound track, no amount of whitewash is going to make it better.

**The PRESIDING OFFICER (Paul McKinney) in the Chair.**

Senator BELL. Mr. President, I would like to congratulate the Majority for something that happened this week that is new. That was the stopgap where there was a separate stopgap for welfare, and one for the general appropriations. I certainly hope that some day this Legislature takes the welfare budget and separates it from the General Appropriations bill because I am very concerned with what is going to happen on Friday of this week.

On July 1st, if the House does not pass that stopgap for welfare and if we do not have a Conference Committee Report adopted, one-tenth of the welfare recipients of this Commonwealth are going to be without cash. Apparently now the welfare payments are cycled into ten cycles. On July 1st, throughout this Commonwealth of Pennsylvania, one-tenth of the welfare families will not have their cash.

After that we have a long, hot weekend and come July 5th there will be another twenty per cent. Therefore, by July 5th, there will be thirty per cent of the welfare recipients without cash. What does that mean to a welfare recipient?

First of all, they have no reserves. The day the check comes in is the day the food goes on the table. They are not like others who work and can save a little bit. No, that welfare check is spent completely by the end of the fifteen-day period. We went through this in Chester and Delaware Counties about four years ago when, for fifteen days, there was no welfare money.

We had hungry children, we had hungry adults. I talked this afternoon with Mrs. Hilda Naylor, head of the Welfare Rights Organization of the Greater Chester area. She tells me well over forty per cent of the people living in the City of Chester, in

my District, are on welfare. This means that one-tenth of them will be hungry on Friday.

I am also informed by this good lady that they are not only going to be hungry, they are also going to be angry. I am very hopeful that we can produce legislation so that ten per cent of the welfare recipients and their families will have food on the table on Friday.

Again, Mr. President, I have talked to Mr. Beal, Secretary of the Department of Public Welfare, and I have urged that he try to get food stamps to the families because, apparently in the new law there is a possibility of putting food stamps out to the welfare recipients if this emergency takes place where there are no checks.

I conclude my remarks by congratulating the Majority Leader for his endeavors to move a separate stopgap for the welfare recipients.

Senator DUFFIELD. Mr. President, I know it is getting late but I could not resist this opportunity of addressing you as Mr. President, the distinguished Senator from Philadelphia in the Chair. I also want to elaborate a little on the Crime Commission.

Mr. President, I have been here almost seven years. Until a year ago, I had never heard of the Crime Commission. I did not know what it was all about. I know we voted for it in the budget. I asked somebody in caucus a while ago about all this stink about not appropriating enough money to them. I asked whom they had indicted and was told they cannot indict anybody, they do not have those powers. Whom have they arrested because of any investigation over seven years? I understood they were on duty since 1969, I believe. I asked if there was anybody of any major consequence it has ever brought any charges against and was told no, they did not know of anything they had done. In the past I have talked to people from both sides of the aisle with no interest in it, and they all sort of shared my views that it had been a "paper tiger" as far as that is concerned, and we spent all this money. One of them came into my office a couple months ago and he showed me the great progress they had made on cigarette—I believe it was the Crime Commission—cheating in Pennsylvania by bringing cigarettes in from out of state.

So the fact that some of us just do not jump at this is no indication we do not have a concern. I just have not seen any action in the past by the Crime Commission and I do not know whether it is being used for political purposes or not. It sounds good to the people. If I am convinced that they are going to sort out some crime, I am very happy. Maybe Senator Hager's Independent Commission will do some good. One thing I did hear today that shocked me no end, and I think it is the type of government that we fought Hitler against, and maybe nobody else picked it up, but it was under the questioning of Sam Begler, when he was asked if he knew Julius Trombetta. He said he did. Then some Senator posed to him a question: "Is it not a fact that you knew this man who is now dead?" He served as a State Policeman. I knew him in Harrisburg here. He served as a State Policeman twenty-some years with distinction and then he was appointed here to do something about licensing. You go see the guy if you have some questions on licensing. And then he

passed away. But the Crime Commission, apparently, in 1970, put out a report naming this Julius Trombetta because he was a character witness for some Mafioso or some guy—I had never even heard of his name—back in the 1960's.

If we are going to have guilt by association, then we are all guilty. I considered Julius Trombetta a friend of mine. I never owed him anything. He never did me any favors. I never did him any. But, I think I had eaten with Julius Trombetta one time or other because he was from the western part of Pennsylvania; I think he was from Allegheny County and, during the Shapp campaign, I had occasion to meet with Julius Trombetta. Now here we are accusing Sam Begler—not we, the Crime Commission—and I believe it is their report that was cited—brings out that this man happened to be a character witness for some person who was up, allegedly, for some Mafioso crime.

Sam Begler apparently roomed with Mr. Trombetta here for a period of time. If I would be in the hot seat, as Sam Begler, they could say, "Senator, did you not know Julius Trombetta?"

"Yes, I knew him."

So you can see the headlines in the paper the next day. "Duffield hobnobs with organized crime characters who testified..." Now that is just going too far, inferring guilt by association. I am sure that all of us, at times, have met with people, have maybe eaten with people, who, it turned out later, might have been an unsavory person. If a thing like that gets in the report of the Crime Commission, that person is blackballed for the rest of his life by the press.

Mr. President, I thought today, unless there is some tying-in evidence that Mr. Begler met with Mr. Trombetta for some illegal purpose, the very fact—and one Senator came on this floor today and told me that he was a little hesitant about voting for Sam Begler, but when he heard him embarrassed by that question, and using the Crime Commission report to dirty people's names, he decided to vote for Sam Begler.

So, I think there is an awful lot of witch hunting today. There is an awful lot of glory out of the headlines; many of us have been through it. Some of us are getting rather inured to it, but you never get inured to it.

But Sam Begler has a family. He has a wife, as the rest of us do, who worries about things like that. And, for a public hearing—here is a man who is deceased, who cannot even answer for himself, who was almost the Secretary of Transportation, as I understand, if he had not died. The charges were not leveled against him while he was living but yet we use it now. Is the Crime Commission intent on doing that sort of thing? Most of us fought in World War II where Hitler had everybody to tell on their brother and so forth and so on. That was condemned in those days. Today it is the thing to do—guilt by association.

Mr. President, let me say that I think if we devote an organization like the Crime Commission, which I said I do not know too much about, to actually routing out some of the filth that is going on, showing results, not accusing people and writing a book where there are names in there, if they have nothing further against them than some newspaper said this or some Federal attorney said that, then it is not serving its job.

Mr. President, I think we all want to see a Crime Commission; we all have families, we all have interests in this Common-

wealth and we do not condone some things any more than anybody else; but sometimes a Crime Commission, or a commission like that or any other commission, can be used to accomplish nefarious political purposes. Oh, it is a nice thing. None of us, as I know, have anything against it, but the only thing I am a little hesitant about is to appropriate money to an organization that I cannot see what they have done in the past.

Maybe they say, "We have not had enough money." I do not know. They apparently have had not too many powers but if you get the label on you that the Crime Commission is investigating you, you are through politically and every other way. I do not like to see it being used as a hatchet against innocent people. Once they find that they are wrong, after their investigation, yes, go to town on them, but just do not throw out a name like Julius Trombetta was a character witness at the trial of a certain guy. We do not even know whether he was convicted and therefore, he is labeled in a Crime Commission report for the rest of his life; his name is tarnished and even Sam Begler is now being tarnished because he knew Trombetta. Therefore, he has to answer for his acquaintanceship with a man who, as far as I know, was never arrested or never indicted for anything.

Senator MANBECK. Mr. President, I am somewhat confused. I do not often rise to speak at the microphone, but I was under the impression that today when we had a committee hearing to interrogate a candidate for the Pennsylvania Turnpike Commission it was run in a pretty honorable manner.

Of course, sometimes questions are embarrassing, but I think the only way to find out the truth about a person is to ask them questions to the point. My very good friend Bill has talked about the Pennsylvania State Police, he talked about the Crime Commission, he talked about many things. He has covered the waterfront.

Number one, as far as the Pennsylvania State Police are concerned, there are certain things, perhaps, that I disagree with. However, all in all, I think that we have one of the finest organizations in the United States. I can speak from investigations that I know about, that they have gotten into and have solved the problems.

Certainly it is a difficult task to solve all the problems that arise, but I would believe that at the end, the Pennsylvania State Police will find the person who was responsible for the crimes. I certainly would like to pin a label of honor on our troops.

Concerning Sam Begler, I have reservations about his nomination. However, Mr. Begler has agreed to supply the committee with information that has been asked for by members of the committee. I have every confidence in the chairman that as soon as he receives that information there will be a report made to the Committee on Rules and Executive Nominations, and I would be one of the first to demand that the chairman of the Committee on Transportation call a meeting to consider the nomination.

I am not sure that Mr. Begler has the qualifications that I would want of a man who is going to be responsible for the operation of a system as large as that. However, I have always believed that you do not have to tear down an organization to get to the foundation of it.

I am rather disappointed at the statements that I have heard here tonight.

Senator HAGER. Mr. President, I would like to respond, if I might, to some of the questions of the gentleman from Fayette, Senator Duffield, about the current Crime Commission, what is wrong with it and why it is that we over here are so fervently seeking an independent, permanent Crime Commission. Also, along that way, I would like to comment, if I may, just a little bit about Jay Trombetta and about the Begler matter which he has raised today.

On that issue, Mr. President, I, too, do not like very much the idea of guilt by association or guilt by inference. I am very much aware that what we do here is reported in the newspapers, sometimes selectively. So, it is very possible that the good which a man may have to recommend him gets lost and the bad which is inferred about him, or the questions which seem to infer bad about him, become the public fare.

On the other hand, when a man is asking the Senate of Pennsylvania, which represents all of the people of Pennsylvania, to confirm him to a post, it seems to me that all that there is in his history may very well become properly part of the public inquiry.

So far as Jay Trombetta is concerned, I would be very happy to talk with the Senator in private, if he likes, about my own personal experiences with that particular man when I was District Attorney in Lycoming County. I can tell you that he was exiled from Western Pennsylvania by the State Police who were concerned about his activities and his friendships there. He was sent to the Montoursville barracks where I made the mistake of attempting to use him as an expert in a gambling case. He certainly was an expert, he knew all the terminology, he knew all about "if and reverse" and a lot of other terms which I have since forgotten.

He appeared to be a good witness for us, but oh, oh, what a witness he became for the defense. It was that kind of a thing, I think, which led the State Police to be concerned about him. He is dead, yes. You say, "Do not speak ill of the dead." I am not willing to speak ill of the dead, but I am willing to tell you of my own experiences with the man. I think it is a very good thing that he did not become the Commissioner of the State Police. There are other things about which I would be very willing to talk to the Senator if he would like some real particulars from my experiences with him as a prosecutor, some of the information to which I was given access because of my position and because of that man's particular conduct in a gambling case.

It may be wrong to try to infer guilt by association, but, at the same time, I think it is just as wrong to suddenly climb up on a white horse and say that we are speaking ill of the dead and trying to convict somebody because of it. I think that particular man is the wrong example to use.

Given the history of the people who Sam Begler has brought to this administration, given the history of the whole Shapp Administration and the people who have served in appointive office which this Senate has, with full knowledge or, in some cases, without full knowledge, confirmed, given current investigations involving this man, giving his own statement today that he intends to continue as the highly paid officer of an organization which frequently has legislative business, I can

understand the reluctance on the part of some people and I, for one, am one of those people who has some real reluctance to confirm in a situation like this.

It is hard for me to understand, when you look at all the people across Pennsylvania who have qualifications, who know something about road building and road maintenance and the kind of questions which come before the Turnpike Commission, why we should be asked to deal with such a controversial nomination, particularly in the light of some of the people he has brought to Pennsylvania government.

On the issue of the Crime Commission, you do not remember the history of it, I do not remember the history of it, either. I was not here, but I looked it up. It was created in 1968 by this Legislature with only one negative vote against it. Since that time, I agree it has had kind of a checkered history. There have been times when it seems to me to be involving itself in rather petty matters. However, I think there is an explanation for that. Its 1970 Crime Commission Report has been lauded by enforcement officials all over the Commonwealth and other places as being the definitive work. Certainly there is not a thing wrong with that. People are still referring to it today.

Is it weak? Has it been hamstrung by the current administration? In my opinion, absolutely yes. It is appointed entirely by the Governor. It is chaired by the Attorney General. He appoints its executive director, he lends it counsel from his own Justice Department, that same Justice Department which has been totally unable to find anything wrong in State government while sixty-three indictments have appeared from Federal prosecutors and local prosecutors.

He is the same Attorney General who, when they asked him to apply for grants of immunity to help them with their investigation of Philadelphia, said no. He did not do it. The fact is this Crime Commission has been hobbled. It has been ineffective. There is no question about it. It is totally and completely dominated and it will die on Thursday at midnight unless this funding, suggested by the Majority's amendment, goes through and if that same Attorney General can get the Governor's Justice Commission to go along with what they are suggesting.

However, the fact is, that has nothing to do with what we are talking about, an Independent Crime Commission. What we are suggesting is that we need a Crime Commission, an independent one, one which is not controlled by a Governor or by an Attorney General, one which is not even appointed by him, one which is appointed by a court which has no criminal jurisdiction and, therefore, has no interest in things criminal; one which has a permanent funding so that it does not have to come to the Legislature, which has demonstrated a certain reluctance to even bring it into existence, one which is totally independent of a Governor or an Attorney General, one that can staff itself, has Statewide subpoena power, has Statewide investigating Grand Jury power, has the right to grant immunity or apply for immunity to courts on its own and not have to go on bended knee to an Attorney General who may not share its zeal.

These things are worth having. It has been proven pretty well in New Jersey that once you give these kinds of tools to an independent investigating commission, you begin to get some things done. That is what we are asking. That is what we have been trying to get this Senate to do for the last couple of weeks.

That is what Representative Joseph Rhodes is aiming at over in the House of Representatives.

It is not a partisan matter, never has been a partisan matter. It is just a question of do we or do we not end up with an independent and permanently funded Crime Commission which is told to forget the petty things that you are looking at; you have only two duties: investigate organized crime, investigate official corruption and, God help us, investigate if there is any connection between the two.

I personally do not understand the reluctance. It seems to me that anybody in public life, particularly a Governor, would be very happy to say, "Look, there is an Independent Crime Commission. None of us can control it. It is looking at all times at what we are doing. Now, please let us forget the issue of corruption and whether or not this administration is involved, because you have the safeguard, ladies and gentlemen, of knowing that we are being watched. Let us get on with governing the State." That is what we are asking.

It is a whole lot, but it is about time.

Senator NOLAN. Mr. President, I would just like to point out to my good friend from Fayette, Senator Duffield, that next year we are having a Governor's election and the Democrats happen to be the Party that is now presently in office and I have never, in my life, seen so many potential candidates running around here in Harrisburg who would like to run for Governor, and yes, also Lieutenant Governor. That is the name of the game.

When you are in office, you are fair game for all the potential candidates and I might say to the gentleman from Fayette, Senator Duffield, that we are going to have to put up with this until the Republicans pick their candidate for Governor. At least, at that time, it will drop down to one, not the number that we have at the present time.

Mr. President, the Senators have to have hard skins and listen to this and put up with it, like I have been doing for the last hour, listening to what I consider campaign speeches. I think when you are speaking to an empty house, you are lacking something when you spend that much time making a campaign speech. I think the only thing he hopes for, or any potential candidate who would speak to an empty house, must be hoping that the news media will give him headlines in tomorrow's newspapers. If they do not, then he is wasting his time in speaking to an empty house. Senators, I say to you, you better be ready to put up with it at least until the next primary date which I think is next April. I am one who is going to have to sit here and listen to it the same as you are. The accusations, but not accusations—it is very cute how it is done. I heard—and I picked that up today—that a man who appeared as a character witness had his name put in the Crime Commission report. I also heard Mr. Begler being asked the question of whether or not he had any knowledge of whether or not he was being investigated at the present time, and Mr. Begler said no, he had no knowledge of that. But, very unfortunately or very conveniently for some of the opponents of Mr. Begler, there was a leak to the news media yesterday that they are investigating Mr. Begler.

It seems to me that it was well planned. Mr. Begler's hearing was today and the news leak was made last night. It seems to

me when these types of things happen, then there is somebody here on Capitol Hill that has direct connections with those bodies that are investigating certain individuals here on Capitol Hill. I am sure that if the gentleman from Lycoming, Senator Hager, was asked if he is being investigated he would have to answer in the same manner that Mr. Begler answered today, which was, to his knowledge, no, he would have no knowledge of that type.

Mr. President, I also heard a request made of Mr. Begler today by the committee whether he would supply to that committee certain information from the FBI. Mr. Begler said yes, he would supply that. My question to that committee is: If the FBI sees fit not to supply that information, maybe say, for the next eighteen months, is that going to be held against Mr. Begler because the FBI is not too swift in giving him the information pertaining to himself to turn over to this committee? I think that is very unjust to Mr. Begler that he should be required to sit on the sidelines until he gets a report from the FBI, over which he has no control in receiving from the FBI. They will supply it when they are well and good and ready, and they may very well never supply it to him.

He was under oath today and he swore under oath that he did not have any of these connections that were mentioned in the newspapers and it is my opinion that the questioners in that committee had no documented proof whatsoever. They were questions being asked strictly from newspaper reports over the last seven years.

When you talk about an Independent Crime Commission it would seem to me that if they have investigated an individual for seven years, it is about time they come down with an indictment or they fold up their tent and go home. I think it is very unjust if we are going to keep the consideration of Mr. Begler's name from the Majority or even putting it out on the floor of this Senate just because we are going to wait for a report from the FBI. If we were sure that report would be in in a week or two weeks, then we would be justified in waiting for it. I would say that if he makes that request to the FBI and we certify that he has made that request, we do not have to wait for their report. It should be sufficient that he did what he told the committee he would do, that he would request that report. When the report comes in, he can turn it over to the committee.

Mr. President, that committee has held public hearings to recommend to the Committee on Rules and Executive Nominations that they release, or they do not release, Mr. Begler's name to the floor of the Senate for a vote by the Senate. That is the purpose of the committee and that is what we want to hear from that committee. I hope that committee moves in that direction and is not held up for a report from the FBI that we know, and that Mr. Begler would certify, some way or other, that he has requested it. It is just very unfortunate that all the charges that have been made in the newspaper were brought up again today in that meeting. Yet, there was never an indictment against the man. I do not try to defend the sixty-three indictments that have been handed down against certain State employees. At least the Commission or the Grand Jury did hand down indictments because they have sufficient evidence to take those people to trial. I heard Mr. Thornburgh's words quoted that he could not get sufficient evidence to indict Mr.

Begler. I consider Mr. Thornburgh one of the best, most efficient, smartest prosecuting attorneys that ever worked in western Pennsylvania and if he could not do it in six years, then there was not sufficient evidence to do it. Again, Mr. Thornburgh is a candidate for Governor of this State.

Mr. President, what we are finding today is an attack on the ins—and I say that is politics, and so be it. If we have certain information given to us, we will use that information but I think we will be more discreet when we are using information that is given to us than what I have witnessed today and in the last two weeks on the floor of this Senate. You do not stand up there as the guy who is wearing the "great white hat" because we can go back in the records when we are going through the no-fault battle. There are some people who are arguing today for this Crime Commission who, when we were talking about no-fault, were fighting to keep from the public of Pennsylvania the no-fault insurance that was so badly needed. They did not give a damn about the public then; but today, because they are potential candidates, they now come out as the guy wearing the white hat and they are very concerned about the general public.

I say to you, Mr. President, that when you get a budget, a Conference Report, then you tell the general public that you are worried about their benefits and so forth. You deliver to us the votes for the budget and the votes for the taxes to pay for that budget and show the general public that you are really interested in their welfare.

When you talk about crime, why do you not mention to the people, because we do it, that it all started in Washington, D.C., and it spilled over to all the governments, bodies in every state, and we, on this side of the aisle are as interested in cleaning up crime in this State as anyone on the other side of the aisle.

We are sponsors of that bill to establish an Independent Crime Commission, but that bill is going to get public hearings. The gentleman from Westmoreland, Senator Kelley, justified that on the floor of this Senate and it is certainly entitled to as many public hearings, as much consideration as no-fault was in this State, because it is just as important to the people of Pennsylvania that we have the proper Crime Commission. Yes, and I think we have fourteen Democrats that helped sponsor that bill and that bill will appear on the Calendar of this Senate. It may not appear in the form in which it was introduced because I have never seen, in my time here, in my time in Harrisburg, a piece of legislation that was perfect in every respect when it was introduced, either in the House of Representatives or on the floor of this Senate. Until it is a perfect piece of legislation, it will not appear on the Calendar of this Senate. We, the Majority, will make sure that when that Crime Commission bill is reported to the floor of this Senate, it will be as close to perfect as possible and as the Majority, we will fund the Crime Commission. We will not fool with it. We will not be forced into the corner and made to fund a commission which has already been tagged as a joke in the newspapers.

We have stated time and time again on this floor that when the \$1,200,000 LEAA money last year came from LEAA, we did not feel it was justified for the taxpayers of this State to have the Attorney General say that he is not going to fund it with LEAA money; let the Legislature do it with general funds. The legislation that we passed today is LEAA money that we

are putting into that Crime Commission. We took the gentleman at his word that it is a joke. Very unfortunately we funded a joke for thirty days, but if we would have listened to the gentleman we would have funded that joke for one solid year. That is one thing we refuse to do, to fund a joke for a solid year.

If they are still in existence and there is no budget at the end of thirty days, you will have the opportunity again to maybe fund it for another thirty days, because we recognize our responsibility. We will step up to our responsibility and give you the opportunity to vote with us.

Senator MANBECK. Mr. President, I do not know how I get involved in this crossfire, but I served in the House of Representatives and that is where they used to call it the "Happy Hour".

I think one of the items that brought me back on to the floor was when my good friend, the gentleman from Allegheny, Senator Nolan, talked about the committee perhaps not making a report to the Committee on Rules and Executive Nominations.

I think I would like the record to show that I was one of the persons who insisted that we do make a report to that committee as soon as we have a report from Mr. Begler on the issues that he was requested to get to the committee. If that information is not brought to the committee in due time, we should make a report with a recommendation to the committee. I fully understand, however, that our recommendation probably does not have any bearing on that committee.

I have, in my mind, always believed that any nomination made by the Governor should come before the entire Body of the Senate because it is his nomination and if it is no good and the Senate approves it, then it is his funeral. If the Senate does not approve it, then that is the Senate's responsibility. I have a great deal of confidence in the Senate, first of all in the committee, that they will make the proper decision in reporting or withholding that name from the floor and if they report it to the floor, I am sure that the forty-nine or fifty Senators, as we have here, will make the proper determination on that nomination.

Getting to the question of no-fault, I would like the gentleman from Allegheny, Senator Nolan, to know that I was one of the proponents. I argued for no-fault legislation—I am happy to see my good friend, the gentleman from Lackawanna, Senator Mellow, walk in. I think he was one of the proponents of the legislation.

Today I am not sure that we made the right decision. There are many reservations in my mind concerning that legislation. However, I want the record to show that question was raised as to no-fault insurance and I was one of the proponents of it.

Senator HAGER. Mr. President, I would like to comment on a few issues raised by the Majority Leader—and not long I promise you.

First of all, I do not know who it was that the gentleman was referring to, it may have been I, on the issue of no-fault. I think a look at the record will show, Mr. President, that although I very much opposed the present form of no-fault at the time, I also was a proponent of no-fault insurance. As a matter of fact, the record will show that I not only voted for it, I stated why, along with raising the issue and warning that the cost of insurance was going to go up, not down, as then Commissioner

Denberg was touting. I might also point out and everybody knows that, in fact, they did go up.

I was for no-fault then, I am for no-fault now. I think it is doing the job, but there was a better way and there continues to be a better way. One of these days when we get back to no-fault, I will once again try to interest this Body in a much better way to have no-fault insurance.

So far as funding of the Crime Commission, it might interest the Majority Leader to know that the House of Representatives just did approve the stopgap legislation. They did it by putting in the amendment which we offered yesterday and which your side defeated, so that the present Crime Commission is now apparently being offered funding as we tried to do yesterday and which you refused to go along with, as well as the way you are suggesting now by LEAA funds. I point out again only if the Attorney General and his Governor's Justice Commission agree.

On the issue of Sam Begler and the points which you raise, I want to say I agree with you absolutely and completely. I, too, do not like the idea that somebody can be tarred by public accusations which are not ever backed up with evidence. I particularly hate the idea that a Grand Jury can investigate or a Crime Commission can investigate and find nothing and not be forced to come up and say, "We have found nothing." A lot of good people have been injured that way.

I also agree that if Mr. Begler makes a public application and if the FBI does not, after a reasonable time, return those documents to him and does not accede to the requests which he makes—which I understand he has the right to make and a legal right to demand—then I agree that the Senate should not be held up any longer. I would join you on doing that. I might point out, however, that I am not a member of that committee. As a matter of fact, as I understand the matter as it now stands before the Senate, his nomination is in the committee of which the Majority Leader is the chairman. So that if the Majority Leader wants to pull that nomination out here tomorrow and cause a vote on it, I think it would be premature, but, obviously, we would vote. I think it might do a disservice, but I think every one of us over here would agree that, yes, if Sam Begler asked the FBI and the FBI does not comply with that request, then there is no obligation on the part of the Senate to wait. After a reasonable time I would join him in saying, let us not wait any longer, let us vote.

Senator MELLOW. Mr. President, I had no idea, absolutely no idea, of remaining on this floor some forty-five minutes ago when this debate began, but as I sat in my office listening to some of the debate, I felt that it was incumbent upon me to come up and make a few observations. In addition to making a few observations, I am going to address myself to a few of the things the Minority Leader just stated since I was not able to hear his previous discussion. Before I get involved in that I would like to point out one thing. As I was sitting in my office, I was listening to the tape that had been recorded today on our public hearing with Mr. Begler. In that tape it clearly points out that I made exception to the fact that legal counsel for the Minority Leader of the House of Representatives was trying to present the Minority Leader's testimony in our hearing and I took exception to that. I thought that we all should have the op-

portunity of questioning the Minority Leader, since it was his testimony. It was just unfair for this particular individual, the legal counsel for the Minority, it was unfair to him to present the testimony and then be subjected to questioning by the Members of the Senate. He certainly could not speak for the Minority Leader.

After I made those statements, the gentleman from Delaware, Senator Bell, was very, very quick to come to the aid of Mr. Butera stating that it was more important for Mr. Butera to be in the House of Representatives, working with his Party and working with his caucus, to aid the House of Representatives in their budgetary crisis and to give his input into the possibility of an appropriation which might call for the need of additional taxes. I would like to point out to the gentleman that whoever informed him at that particular time—it was approximately 11:20 this morning—that Mr. Butera was working with his caucus gave him inaccurate information. The truth of the matter is that Mr. Butera was speaking to the County Commissioners in Lancaster. I do not believe he had the best interest of the appropriations problems at that particular time in mind. I think it was probably more politically motivated than it was good government.

Addressing myself very briefly to no-fault insurance, I think that the Minority Leader of the Senate should be well aware of the fact that, whether he was a supporter or whether he was not a supporter of Commissioner Denenberg when he was the Insurance Commissioner, the no-fault legislation which we passed here in the Senate was certainly not the same no-fault insurance proposal that was advanced by Commissioner Denenberg. It was not even a reasonable facsimile thereof. The one that we passed was a watered down version. I was one of the supporters of it here on the Senate floor because I felt that there was a public outcry for no-fault. Our public was being badly misled by many people.

I think it is unfortunate that the type of no-fault which we did pass was the type that was, for the most part, watered down and strongly supported by the lawyers in this Body. It was a trial lawyer's version of no-fault. It was really a lawyer's bonanza. I think that it is really unfortunate because when you look at what has happened to no-fault insurance rates over the past two and one-half years since no-fault has been enacted, you will note the rates have increased because of some shortcomings that were made by this Legislature. However, there are those of us who have introduced some new legislation, hopefully being able to tie in some of the loose ends that we have had in no-fault.

I would only hope that those who sincerely are interested in the consumer and those who are sincerely interested in no-fault here in Pennsylvania will take a long look at this legislation when the Committee on Insurance has an opportunity to present it, first before the committee and then, hopefully, to the full Body of the Senate.

However, had we passed the no-fault insurance that was originally presented to us by Commissioner Denenberg, it would have been a savings to the people of the Commonwealth. It probably would have brought a hardship to many of the attorneys who possibly, at that point, were making a living on

tort cases. However, it would have been a savings to the consumers of the Commonwealth and not an increase with the way insurance costs have increased over the past several years.

Mr. President, we are not all perfect and those of us who stand on this floor and pontificate that we are Puritans should every now and then take a look to see just exactly what is in our back yard. I think we should take a look to see just exactly where we stand on the very important key issues. I think we should all stop looking at what might be popular with our people and I think we should take a long look at what is responsive to the needs of all the people of the Commonwealth.

We are right now faced with a very severe budgetary problem. There are those of us who feel that the State can get along without increased taxes—and I, for one, happen to feel that way. I think it is a matter of priorities and a matter of shifting priorities. It is not a matter of Democratic Party versus Republican Party when the twelve million people who reside in this Commonwealth are the ultimate losers. I think that, at least for the next few days, we should put our political bickering aside. We should put all of our political aspirations aside because we have candidates not only on the Republican side—they are not the only ones who are guilty of this—but we have some candidates on the Democratic side also. I think we should put some of our political bickering aside and we should start thinking about what is right for the people of this Commonwealth.

When you look at the budget and when you look at the true indication that liars figure but figures do not lie, when you look at the indication that we have passed on to the people of this Commonwealth an increase of our budget by almost one hundred per cent in the past six years, then I think it is about time that we start looking at our priorities and maybe we should start shifting priorities to exactly where they belong.

I know I have heard for the past several weeks about the problems with the Philadelphia School District and the problems with some of our other school districts across the State. I can tell you the problems of the Scranton School District if anybody would like to listen. They are no different. In fact, they are probably more severe. I think we have to start shifting the burden of the tax from the property owner to the wage earner. I think it has to be done more at a local level as in the proposals which have been advanced by the gentleman from Chester, Senator Stauffer, the gentleman from Lehigh, Senator Messinger, the gentleman from Bucks, Senator Lewis, and a few other Senators. I think they are good proposals and are the type of legislation that we should be working on. We should not be bickering back and forth on these little political mishmashes, and that is exactly what we have had.

However, I think it is about damn time that we start taking the bull by the horns, that we start realizing that each and every one of us puts our pants on the same way, and when we start pulling those pants up a little tighter, it is about time we start pulling the belt in a little tighter and it is about damn time that we stop looking at one another and trying to gain an advantage over the fellow who sits next to us.

Now these are the things that have made people very, very skeptical of public officials. You might be saying, why does Mellow want to rave on and on? The hour is now 7:45 and it is

getting late. I think it is good for this type of debate and this type of discussion. I think it is good that more of us participate in discussion after Session so that we have some idea of what the thinking is of our colleagues. I think it is also good that we have some idea of what the thinking is of the people we represent, because, if I read the people properly, my mail for the most part either comes from State employees or from school districts. From the school districts, it is coming from either professional or non-professional employees. Some of my mail reads as follows:

"Dear Senator, please vote for the increase in school subsidy"—House Bill No. 593, I believe it is—"and also vote for House Bill No. 1075." In the next paragraph it states, "but please do not vote to increase our taxes." Well, we cannot have it both ways. It cannot be Jackson and Johnson, it must be one or the other.

I think these are some of the problems that we have. When I first came here in 1971 we had very little staff. In fact, we had no staff at all. Each Senator, with the exception of the leadership, had two employees given to them by the statutory payroll. We had absolutely no committee system whatsoever, except the committee chairman would hold a meeting behind closed doors. We had no money for staffing of the committees. But in the last six and half, seven years, "we have come a long way baby." We have a long way to go and I do not think we can accomplish the problems we have and the means to the end if we are going to stand up on this floor and try to outdo one another.

We have to rise above petty politics when it comes to the financial needs of the Commonwealth, and we must start setting up priorities. We can talk about this probably late into the evening. I think the Members who are here, each one of us, can get up time in and time out and beat this dying horse, but unless we take the bull by the horns, unless there is some very honest input by both the Majority and the Minority Members, and we stop getting involved in this very small, minute, political bickering that is taking place and we stop trying to get the advantage on one another, we cannot start working for the good of the Commonwealth. I think regardless of which side of the aisle you sit on, we all have the same objective in mind and there is no question in my mind that good politics is good government. That is the case whether you are a Democrat or a Republican or an Independent, or whatever you may be. If you are going to give the people the right type of government, regardless of what your political affiliation may be, that is good politics and they will not forget you. But, the way we are acting right now, we are doing absolutely nothing to restore the confidence of the American people.

I would like to categorize this by saying that we are in the post-Watergate era, the Watergate syndrome, and I do not think any political party gained an advantage by Watergate. I do not think any of us now would like to even discuss Watergate—at least I certainly can tell you I would not like to. I think it is something in the past that we should keep in the past. We have learned a lesson from that and that lesson is that our people do not respect elected officials and they have lost total confidence in the elected officials. Our actions that take place on this floor and on the floor of the House continue, they con-

tinue to give people that same feeling.

Monday evening I listened for quite some time—I guess it was last evening—to the discussion that was taking place over in the House. I did not hear one constructive—on either side of the aisle—argument as to why Senate Bill No. 770 should be put into a Conference Committee. I, for one, am not in favor of the fact that three conferees from the Senate and three from the House are going to write the Appropriations bill for the 1977-1978 fiscal year, but if that is the only way it can be accomplished, then that is what is going to have to be done.

I would only hope, Mr. President—and I do not want to continue this discussion—that, at least for the next few days, we can put our political bickering aside and we can try to work as one unified Body, as fifty Members, with one thing in mind and that being good government to the people whom we represent. I think if we do this with a very honest effort and not try to gain a political advantage, one way or the other, we are all going to be better off and, hopefully, the lack of confidence that our people have in elected officials, possibly we can do something to try to restore that confidence.

Senator HOLL. Mr. President, since we will undoubtedly be here for another hour—and I have been waiting, as you well know—I would like to enter into the record a few remarks. If the Majority Leader objects, I will do this another day.

I am a member of the Committee on Transportation and I attended the hearing on Mr. Begler this morning and I share the concern of the Majority Leader. Mr. Begler said he would make a request for the information that the committee requested. If that information is not received by Mr. Begler and the committee, then I feel that the committee should report the name with their recommendation to the Committee on Rules and Executive Nominations. I do not think we should put this matter off because if we do, we are continuing what the gentleman from Lackawanna, Senator Mellow, talked about when he expressed his concern about the public image of the Legislature. I think a reasonable length of time would be a week to ten days and if he gets the answers to the questions—I understand he is entitled to that letter—I certainly, for one, will vote to report his name so that the Senate can decide on his confirmation properly and not keep it on the shelf.

Senator NOLAN. Mr. President, the gentleman from Lycoming, Senator Hager, pointed out that, at the present time, we have in the Committee on Rules and Executive Nominations the name of Sam Begler, who has been nominated by the Governor. That is true. I hope there was no suggestion on the part of the gentleman from Lycoming, Senator Hager, that I will completely ignore the committee and take some action on my own in regard to Mr. Begler's nomination by the Governor.

Since we, at the present time, in the last couple of years, have had sufficient funds allotted to the committees of the Senate for the first time in the Senate, at least to my knowledge, we have used the committees to screen and hold public hearings of, what we consider, top nominations sent to us by the Governor. I might say that system is working very well and we will wait for the report of the committee that is now considering their recommendation on Mr. Begler. As a matter of fact, it is working so well that I am sure in September, when we come back here after our summer vacation, we are going to once again con-



sider that when we give the name to a committee for public hearings and that committee holds public hearings, that that committee will be in full charge of the nomination that was given to them to hold public hearings on and it would not be necessary for them to report back their recommendation to the Committee on Rules and Executive Nominations.

Mr. President, it is my hope that before this year ends, all nominations from the Governor coming to the Committee on Rules and Executive Nominations that we consider of prime importance, once we report it and ask a committee to take that nomination, that that committee will have full charge of that nomination and that committee would be the committee that would either report the nomination to the floor or reject the nomination.

I, at this time, would take no action, as chairman of the Committee on Rules and Executive Nominations, to destroy the system that we have installed in this Senate by using the different committees of the Senate on nominations by the Governor. I say that the system is working, it has improved and may very well have improved to the point that we will go further now and let the committees decide whether or not those names will come to the floor of the Senate.

I have no intention at this time, or at any time, of ever considering reporting a name out of the Committee on Rules and Executive Nominations before I have a recommendation back from the committee that has held public hearings on any nomination that I assigned to them.

Senator MANBECK. Mr. President, I have stated to the Secretary that we are going to continue this debate until about midnight tonight. Several of us are prepared to continue it.

Let me say that I would take this opportunity to congratulate the Majority Leader on the statement he has just made. I have been a Member of the House and the Senate for the past seventeen years. I cannot believe he has made the statement he made that he will submit or recommend that the Committee on Rules and Executive Nominations will submit to the committee the names of the persons who are responsible for the operation of the departments to which they have been nominated. Let me congratulate the gentleman on that decision.

To the gentleman from Lackawanna, Senator Mellow, who said he came to Harrisburg in 1971 and he shared some facilities, let me say to him that when the gentleman from Montgomery, Senator Holl, and I came in 1966, I shared a room with four other Senators and two secretaries. In addition to that, one day I got up to object to something and one of my leaders came over and said, "You are a freshman, you should keep your mouth shut." It was said in just that language. That sort of surprised me.

We have come a long way in liberalizing the Rules of the Senate and I am real pleased to be a Member of this Senate. I hope that the gentleman from Allegheny, Senator Nolan, will be able to carry out the commitment that he has now made.

The PRESIDING OFFICER. The Chair would like to address a few remarks to Senator Manbeck. If you plan to be here until midnight, I think you will be minus the Chair.

Senator BELL. Mr. President, just one very brief remark to my good friend, the Majority Leader. Do not use that word "vacation," because when we recess most of us work even

harder back home than we work up here.

Senator NOLAN. Mr. President, I am glad to hear that, because some people object to Mr. Begler drawing a salary from the union while some of our Members go back and work other jobs.

Senator HAGER. Mr. President, I would like to join the gentleman from Lebanon, Senator Manbeck, in applauding the proposal by the Majority Leader that Standing Committees handle nominations which should properly come under their control and not then return them to the Committee on Rules and Executive Nominations. I think that is a wonderful idea.

As a matter of fact, it is my hope that one of these days the Standing Committees of the Senate might actually go to work on appropriations so that, for instance, the Committee on Education would consider the education budget long before it goes to appropriations. Frankly, the way things are done now, it is my honest opinion, and the opinion of every Member of the Senate to whom I have talked about this, that the Legislature really does not have an active part in the budget process at all.

The other thing I would like to suggest is, if in September we are going to consider that Rules change, there are a number of others which the gentleman from Bucks, Senator Howard, and some of us have introduced in the way of resolutions to change the Rules which we hope you will be just as willing to take up.

One other thing, Mr. President, a suggestion: It may very well be it is your presence in the Chair which has provoked all of this. I hope the next time you are asked you will think twice before accepting.

Senator NOLAN. Mr. President, I would point out that we here in the Senate did take up the amendments of the gentleman from Bucks, Senator Howard, to the Rules and defeated those amendments. There is no reason why they should be taken up a second time because I do not find anyone, at least no one has come forward, who voted against those Rules changes and told me that they now favor them. Until I have some indication from those who voted against the amendments that they have changed their minds and are now willing to vote for them, I see no reason to place them before the Senate again. We just do not have the time in the Senate to be considering legislation that has been knocked down in the past after many hours of debate.

Senator DUFFIELD. Mr. President, in line with what the gentleman from Lycoming, Senator Hager, said a while ago, there are so many candidates on both sides of the aisle for public office and you look so good up there and you have done such a good job, I think your name should be proposed for Lieutenant Governor also.

The PRESIDING OFFICER. The gentleman's words are well taken.

### MOTION TO ADJOURN

Senator KELLEY. Mr. President, I move that the Senate do now adjourn until 11:00 a.m., June 29, 1977.

On the question,

Will the Senate agree to the motion?

**PARLIAMENTARY INQUIRY**

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

The PRESIDING OFFICER. The gentleman from Montgomery, Senator Holl, will state it.

Senator HOLL. Mr. President, am I in order to speak with a motion on the floor? Unless the motion is withdrawn, I do not feel that I should continue.

The PRESIDING OFFICER. That is the motion to adjourn, Senator?

Senator HOLL. That is correct, Mr. President. I think that takes precedence. Unless it is withdrawn, I do not feel that I may continue.

**MOTION TO ADJOURN WITHDRAWN**

Senator KELLEY. Mr. President, I withdraw my motion to adjourn.

The PRESIDING OFFICER. The gentleman is in order.

Senator HOLL. Mr. President, I would like to make an observation on the comments of the gentleman from Lebanon, Senator Manbeck. He referred to me and he referred to when he and I both came to the Senate some years ago. I shared an office with six other Senators. One observation he did not make was that my room was with the other six Senators and four of them were Republicans.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS**

**TUESDAY, JULY 5, 1977**

11:00 A.M. APPROPRIATIONS (to Room 350  
consider funding of Consumer Advocate)

**WEDNESDAY, JULY 6, 1977**

12:00 Noon AGING AND YOUTH (to Room 168  
consider House Bill No. 1)

**ADJOURNMENT**

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Wednesday, June 29, 1977, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:00 p.m., Eastern Daylight Saving Time.