

Legislative Journal

TUESDAY, JULY 5, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 40

SENATE

TUESDAY, July 5, 1977.

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

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

PRAYER

The Chaplain, The Reverend HENRY S. RAAB, Pastor of Second United Church of Christ, Harrisburg, offered the following prayer:

Let us pray:

O Lord, our God, how great Thou art! We are thankful to Thee for the beauty of Thy great creation, especially at this season of the year, and most especially in "Penn's Woods." For the beauty of our rolling mountains, and the productivity of our fertile slopes we thank Thee, Lord. We are grateful for the Providence which brought us to this pleasant land.

We invoke Thy blessing upon these elected leaders of our State, as they meet together to solve knotty budget problems. Lead, guide, and direct them that their actions may be for the greater good of all concerned, including generations yet unborn. We ask Thee to listen to their sincere prayers and concerns, as they strive to do Thy will, and bless them with that peace and joy which only Thou canst give. Be with them now as they assemble together to labor in our cause, and go with them when their labor is finished to their respective homes. Keep them always in Thy love and care, to Thee be praise forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Raab, who is the guest this week of Senator Murray.

JOURNAL APPROVED

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

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

LEAVES OF ABSENCE

Senator NOLAN asked and obtained leaves of absence for Senators KELLEY and DUFFIELD, for the week.

Senator STAUFFER asked and obtained leave of absence for Senator WOOD, for today's Session only.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

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

SB 145, 163, 518, 945 and 946.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives being introduced, returned to the Senate SB 119 and 560, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 119 and 560.

BILLS INTRODUCED AND REFERRED

Senators SNYDER, HILL, O'PAKE, KELLEY, GEKAS, HOPPER, HAGER and REIBMAN presented to the Chair SB 1000, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the rights of certain persons in estates of certain decedents and the rules of interpretation of wills and conveyances.

Which was committed to the Committee on Judiciary.

They also presented to the Chair SB 1001, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, expanding nonmandatory jurisdiction of the orphans' court division; providing for venue in certain situations; providing for advertisement of letters in the case of nonresident decedents; authorizing discretionary accountings and records of risk distributions; expanding the power to terminate trusts; making retroactive the rule against perpetuities; and making editorial changes.

Which was committed to the Committee on Judiciary.

Senator LYNCH presented to the Chair SB 1002, entitled:

An Act amending the act of July 9, 1976 (No. 155), entitled "Capital Budget Act for Fiscal Year 1976-1977, Public Improvement Project Itemization Supplement — Department of

General Services," providing for a highway project in Montgomery County.

Which was committed to the Committee on State Government.

Senators O'PAKE, MURRAY, MESSINGER, MELLOW, DWYER and EARLY presented to the Chair SB 1003, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," changing certain terms and providing for certain time limitations.

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

Senators SCHAEFER and LEWIS presented to the Chair SB 1004, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," changing provisions relating to appropriations to county historical societies.

Which was committed to the Committee on Local Government.

Senators TILGHMAN, MANBECK, SNYDER, WOOD, KUSSE, DOUGHERTY and CORMAN presented to the Chair SB 1005, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for high school instruction in the free enterprise system.

Which was committed to the Committee on Education.

Senators O'PAKE, NOLAN, DOUGHERTY, MANBECK, MELLOW, HOLL, HILL, KELLEY, EARLY, McKINNEY, GEKAS, SWEENEY, JUBELIRER, ORLANDO and ARLENE presented to the Chair SB 1006, entitled:

An Act requiring certain items of food and household products to be marked as to price.

Which was committed to the Committee on Consumer Affairs.

Senators SCHAEFER, LYNCH, SCANLON, MELLOW, STAPLETON, STOUT, ORLANDO, SWEENEY, ZEMPRELLI, HOPPER, DOUGHERTY, EARLY and ANDREWS presented to the Chair SB 1007, entitled:

An Act amending the act of July 20, 1968 (P. L. 550, No. 217), entitled "Capital Facilities Debt Enabling Act," imposing additional limitations on the incurring of bonded indebtedness for highway projects.

Which was committed to the Committee on Transportation.

RECESS

Senator NOLAN. Mr. President, I request a recess of the Senate until 4:30 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

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

AFTER RECESS

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

GUEST OF SENATOR FRANKLIN L. KURY PRESENTED TO SENATE

Senator KURY. Mr. President, it is my pleasure to introduce to the Senate a page for this week from Sunbury. He is Mike Apfelbaum, sitting here in the front row. Mike was just elected as Governor of the Keystone Boys' State last week out at Indiantown Gap, which is sponsored every year by the Pennsylvania Department of the American Legion. He will be serving here as a page for a week and I thought the Senate would like to meet him.

The PRESIDENT. Thank you, Senator. If the young man, who is the Governor of the Keystone Boys' State, would stand we would like to welcome him as a page in the Senate of Pennsylvania.

(Applause.)

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER TEMPORARILY

SB 695 — Without objection, the bill was passed over in its order temporarily at the request of Senator NOLAN.

FINAL PASSAGE CALENDAR

BILL RECOMMITTED ON FINAL PASSAGE

HB 263 (Pr. No. 283) — Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Local Government.

BILL ON FINAL PASSAGE

HB 987 (Pr. No. 1307) — On the question, Shall the bill pass finally?

Senator MELLOW. Mr. President, I just want to point out a few things concerning House Bill No. 987 with some questions which I believe have not been answered.

House Bill No. 987 makes two basic changes, probably the most important being the first part. It talks about tracks that have handles of under \$300,000 a day for a previous meet will permit an increase in takeout on regular betting from seventeen per cent to nineteen per cent. This afternoon I spoke to the Deputy Secretary of the Horse Racing Commission, a gentleman by the name of Harold Campion, and asked him some very important questions which he could not answer. One question being just exactly what constitutes a meet; the second question being when a licensee has a meet at more than one track, what figures will be used in computing the average daily handle and finally; when a licensee asks for less than the maximum of 100 days, will they then qualify under this particular piece of legislation? For example, Commodore track has an eighty day-race meet right now. If this piece of legislation passes and Commo-

dore has an average handle of less than \$300,000 per racing day and they petition for an additional twenty days to go up to the 100 day meet, will they be allowed seventeen percent take-out or will they be allowed nineteen per cent takeout?

Shamrock has their meet broken down into two areas consisting of fifty racing days at the Pocono Downs racetrack and fifty racing days at the Penn National racetrack. I also inquired of him what constitutes a meet there. Does the first fifty days at Pocono Downs racetrack where the handle would be less than an average of \$300,000, constitute a meet? And then when they have their additional fifty days at the Penn National racetrack, will they then be able to take out nineteen per cent rather than seventeen per cent? The gentleman could not answer my questions.

Mr. President, it has also been brought to my attention that in several other states, including the State of New York, it has been documented that a one per cent increase in takeout has reflected a six per cent reduction in handle. I know that there is off track betting and I am sure off track betting has to come into consideration in that. I think that question must be answered as to what will happen with the handle in Pennsylvania. If there is a reduction in the handle, then there will be a loss of revenues into the Revenue Department.

Finally, several years ago, we increased the takeout from fifteen per cent to seventeen per cent. I would like to know what was the reduction in handle when the takeout was increased from fifteen percent to seventeen per cent.

I think there are many questions, Mr. President, that are not answered in reference to House Bill No. 987 and, I think, before any further action should be taken, we should address ourselves to some of these question, especially what happens when you have a licensee that splits a meet, runs so many days at one track and so many days at another track, or a licensee who does not request the entire 100 days of racing.

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—29

Andrews,	Hankins,	Moore,	Ross,
Arlene,	Kury,	Murray,	Scanlon,
Cianfrani,	Kusse,	Nolan,	Schaefer,
Dougherty,	Lewis,	Noszka,	Smith,
Dwyer,	Lynch,	O'Pake,	Stapleton,
Fleming,	Manbeck,	Orlando,	Stauffer,
Gekas,	McKinney,	Romanelli,	Zemprelli,
Gurzenda,			

NAYS—16

Bell,	Hager,	Howard,	Snyder,
Coppersmith,	Hess,	Jubelirer,	Stout,
Corman,	Holl,	Mellow,	Sweeney,
Early,	Hopper,	Messinger,	Tilghman,

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.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 696 (Pr. No. 1110) — 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—45

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

SB 905 (Pr. No. 1141) — 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—45

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

SB 927 (Pr. No. 1130) — 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—45

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

BILLS OVER IN ORDER

HB 111, SB 320, 494, 498, 500, 505, 508 and 510 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 675 (Pr. No. 1117) — 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—45

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

SB 777 (Pr. No. 1142) — 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—45

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

BILLS OVER IN ORDER

SB 882, 883, 937 and 956 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 967 (Pr. No. 1108) — 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—45

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of James A. Fazzoni, as Sheriff in and for the County of Washington.

This nomination was previously laid on the table June 21, 1977.

The Clerk read the nomination as follows:

SHERIFF IN AND FOR THE COUNTY OF WASHINGTON

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 James A. Fazzoni, R.D. 2, Box 02, Eighty Four 15330, Washington County, Forty-sixth Senatorial District, for appointment as Sheriff in and for the County of Washington, to serve until the first Monday of January 1978, vice Hanna Johns, deceased.

MILTON J. SHAPP.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—45

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SB 695 CALLED UP

SB 695 (Pr. No. 1150) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar under Bill on Concurrence in House Amendments by Senator NOLAN.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 695 (Pr. No. 1150) — Senator NOLAN. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 695.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, I remember from years back that motions such as this should be phrased so that they are in the affirmative rather than the negative. Should the motion not be to concur?

The PRESIDENT. In the absence of Senator Kelley, I appreciate that suggestion, Senator. We will be at ease for just a minute.

(The Senate was at ease.)

MOTION WITHDRAWN

Senator NOLAN. Mr. President, I will withdraw my motion to nonconcur.

The PRESIDENT. If you choose to make a motion to concur, Senator Hager, you may now do so.

MOTION TO CONCUR IN HOUSE AMENDMENTS

Senator HAGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 695, Printer's No. 1150.

On the question,

Will the Senate agree to the motion?

Senator NOLAN. Mr. President, I ask my fellow Senators to vote "no" on the motion.

Senator HAGER. Mr. President, last year this Senate attempted through a bill to give the Legislature some control over the regulations which were being passed by various departments of the administration. The amendments which were placed in this bill by the House of Representatives does just that. They give the Transportation Committees of the House

and Senate the right to approve of changes placed into their regulations by PennDOT. If either of those committees should disapprove, the only way those regulations could then become the regulations and the law of Pennsylvania would be by an affirmative vote of both the House and the Senate.

It seems to me this is a good time for the Legislature to stand up and say to the administration, we are going to exercise some control, some overview, of the regulations which you are continually putting forth to the detriment of the people of the Commonwealth.

Mr. President, I ask for an affirmative vote on the motion.

One other point I would like to add, Mr. President, the bill also provides for paying the employees of PennDOT which, without this bill, cannot happen.

Senator NOLAN. Mr. President, what the Minority Leader stated may be true in some respects when it comes to certain departments of State government. We are referring in this bill to PennDOT and I am sure many of us in this Chamber recognize that there are times when the work which is required to be done has to be let out on contracts. In order to propose that type of contract to the Legislature, the amount of time lost would more hamper the work of road building than the good it would do in saving work for the employees.

We have plenty of work for the employees of the Department of Transportation in the minor repairs of the roads. When it comes to major repairs of the roads, this is the type of thing we cannot strap the Department with and this is the reason I have asked for a "no" vote and nonconcurrency.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—21

Andrews,	Gekas,	Howard,	Schaefer,
Bell,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stauffer,
Dwyer,	Holl,	Manbeck,	Sweeney,
Early,	Hopper,	Moore,	Tilghman,
Fleming,			

NAYS—25

Arlene,	Lewis,	Nolan,	Ross,
Cianfrani,	Lynch,	Noszka,	Scanlon,
Coppersmith,	McKinney,	O'Pake,	Smith,
Dougherty,	Mellow,	Orlando,	Stapleton,
Gurzenda,	Messinger,	Reibman,	Stout,
Hankins,	Murray,	Romanelli,	Zemprelli,
Kury,			

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

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

PERMISSION TO ADDRESS SENATE

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

Senator REIBMAN. Mr. President, earlier in the Session I

was engaged in other legislative business and was not on the floor of the Senate when the votes were taken on the Third Consideration Calendar. If I had been present, I would have voted "aye," on House Bill No. 987 on page 2; "aye," on Senate Bill No. 696, Senate Bill No. 905, Senate Bill No. 927. On page 4, I would have voted "aye," on Senate Bill No. 675 and Senate Bill No. 777. On page 5, I would have voted "aye," on Senate Bill No. 967 had I been present.

Mr. President, I hope the record will show this.

The PRESIDENT. The record will so state, Senator.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

HB 144 (Pr. No. 157), SB 168 (Pr. No. 1138) and HB 207 (Pr. No. 1634) — Considered the second time and agreed to, Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 334 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 534 (Pr. No. 578), SB 581 (Pr. No. 611) and SB 582 (Pr. No. 612) — Considered the second time and agreed to, Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 590 (Pr. No. 1079) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 6), page 2, line 10 by striking out "either wholly or partially without" and inserting: wholly outside

Amend Sec. 1 (Sec. 6), page 2, line 12 by inserting a period after "INVOLVED"

Amend Sec. 1 (Sec. 6), page 2, lines 13 through 16 by striking out all of said lines

On the question,

Will the Senate agree to the amendments?

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Northumberland, Senator Kury, will state it.

Senator KURY. Mr. President, is the gentleman from Chester, Senator Stauffer, going to explain the amendments?

The PRESIDENT. There has been a request, Senator Stauffer, for an explanation of the amendments.

Senator STAUFFER. Mr. President, the amendments provide that an industrial development authority may loan money

only within the jurisdiction of the area in which it was chartered, that it cannot go outside of its chartered area to engage in projects.

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

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

Senator STAUFFER. I will, Mr. President.

Senator KURY. Mr. President, do I understand then that the bill, as originally drafted, would let it go outside of its territory if it got the approval of the authority in which area it was building but now it cannot go outside of its territory?

Senator STAUFFER. That is correct, Mr. President. The reason for the amendments is the fact that there was some objection raised to the bill as originally drafted and it seemed that the belief was that they should only act within the area of their charter and should not go outside the area under any circumstances.

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

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

Senator STAUFFER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I am a little confused by the interrogation between the gentleman from Northumberland, Senator Kury and the gentleman from Chester, Senator Stauffer.

Mr. President, the genesis for these amendments was generated somewhat by the situation near Philadelphia where one of the authorities went into a territory of another authority and made a loan. If I understood the interrogation between the two gentlemen, it was suggested by the gentleman from Chester, Senator Stauffer, one authority could only loan within the jurisdiction of its charter. Does that suggest, Mr. President, that where an outside authority may consent to the loan, where there is not a situation of antagonism, that authority could not make the loan within another jurisdiction?

Senator STAUFFER. The gentleman would be correct, Mr. President.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for third consideration.

BILLS ON SECOND CONSIDERATION

SB 594 (Pr. No. 1103), HB 613 (Pr. No. 1581), HB 616 (Pr. No. 672), HB 626 (Pr. No. 1691), HB 631 (Pr. No. 1695) and SB 691 (Pr. No. 735) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 767 and 774 — Without objection, the bills were passed

over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 843 (Pr. No. 1139) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL RECOMMITTED

SB 864 (Pr. No. 933) — Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Insurance.

BILL REREFERRED

SB 879 (Pr. No. 1140) — Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION AMENDED

SB 901 (Pr. No. 979) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendments:

Amend Sec. 1, page 1, lines 4 to 7, by striking out "Notwithstanding the provisions of any other laws", in line 4, and all of lines 5 through 7

Amend Sec. 2, page 1, line 8, by striking out "Section 2."

Amend Sec. 2, page 1, line 13, by removing the period after "physician" and inserting: and the patient has signed the "written informed request."

Amend Sec. 3, page 1, line 14, by striking out "3." and inserting: 2.

Amend Bill, page 2, by inserting between lines 15 and 16:

Section 6. (a) The Department of Health shall establish standards for the manufacture and preparation within this State of amygdalin (laetrile). The Department of Health shall adopt rules and regulations governing the production, processing, labeling, storing, handling and administering of such drug.

(b) The Department of Health may set reasonable fees, to be collected from the manufacturer, for establishing and administrating standards.

Section 7. Any person who manufactures or prepares a new drug which fails to comply with the standards in this State for the manufacture of amygdalin (laetrile) shall upon conviction thereof be guilty of a misdemeanor and be sentenced to pay a fine not in excess of \$5,000 or undergo imprisonment of one year or both. Each day of violation shall constitute a separate offense.

Amend Sec. 6, page 2, line 16, by striking out "6." and inserting: 8.

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 3. The "written informed request" referred to in this act shall be on a form prepared by, and obtained from, the Department of Health, shall be subject to the department's continuing jurisdiction and control concerning any changes in the "written informed request" pursuant to law and shall be in substance as follows:

WRITTEN INFORMED REQUEST FOR PRESCRIPTION OF AMYGDALIN (LAETRILE) FOR MEDICAL TREATMENT

Patient's name: _____

Address: _____

Age: _____ Sex: _____

Name and address of prescribing physician: _____
 Malignancy, disease, illness or physical condition diagnosed for
 medical treatment by amygdalin (laetrile): _____

My physician has explained to me:

- (1) That the Federal Food and Drug Administration has determined amygdalin (laetrile) to be an "unapproved new drug" and that Federal law prohibits the interstate distribution of an "unapproved new drug."
- (2) That neither the American Cancer Society nor the Pennsylvania Medical Society recommends the use of amygdalin (laetrile) in the treatment of any malignancy, disease, illness or physical condition.
- (3) That there are alternative recognized treatments for the malignancy, disease, illness or physical condition from which I suffer which he has offered to provide for me including: (Here describe)

That notwithstanding the foregoing, I hereby request prescription and use of amygdalin (laetrile) in the medical treatment of the malignancy, disease, illness or physical condition from which I suffer.

 Signature of Patient

ATTEST:

 Prescribing Physician

A copy of such "written informed request" shall be forwarded forthwith after execution thereof to the hospital or related institution for appropriate filing.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

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

Amend Bill, page 2, by inserting between lines 15 and 16:

Section 6. Five years after the date of enactment of this act the Secretary of the Department of Health shall make a determination of the effectiveness of amygdalin (laetrile) in the treatment of cancer, and, if amygdalin (laetrile) is found to have no beneficial effect in the treatment of cancer, this act shall expire.

Amend Sec. 6, page 2, line 16, by striking out "6." and inserting: 7.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 942 and 982 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Gray Rockey, Mr. and Mrs. Lee P. Smeltzer, Mr. and Mrs. William J. Tucker, Mr. and Mrs. George J. Piedmo, Sr. and to Mr. and Mrs. Charles H. Dunlap by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd Putnam, Sr., Mr. and Mrs. Delbert Hinderliter, Mr. and Mrs. Wallace McCall, Mr. and Mrs. LeRoy Gillespie, Mr. and Mrs. Edwin Selkregg and to Mr. and Mrs. Herbert C. Johnson by Senator Orlando.

Congratulations of the Senate were extended to Mr. Robert L. Townsend by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Loyal B. Rohrbaugh, Mr. and Mrs. Guy Shue, Mr. and Mrs. David C. Fry, Mr. and Mrs. Sterling A. Hildebrand and to Mr. and Mrs. A. Irvin Hostetter by Senator Hess.

PETITIONS AND REMONSTRANCES

Senator REIBMAN. Mr. President and my colleagues: Two facts have occurred since the formation of the House-Senate Conference Committee for the budget which, when taken together, lead me to believe this Chamber must take extraordinary measures to solve the State's financial problems.

The first is the stated position of the Governor that he will not approve an increase in the Statewide school subsidy unless special provisions are made for the Philadelphia School System. If true, the Governor would be holding hostage the school children and tax-paying property owners of 493 of the State's 505 school systems while he tried to exact a disproportionate amount of aid for the Philadelphia School System.

The second fact is the realization that the proposals being pushed on behalf of the Philadelphia School System are not sound. Our constituents will not allow the Legislature to use them to "bail out" or otherwise relieve the people of Philadelphia from their responsibility of fairly supporting the system of public education in their own city.

School systems throughout the State are experiencing increased costs due to mandated programs and overall inflation. And to the extent Philadelphia's problems are the result of those factors, it too will benefit equally in an increase in the Statewide school subsidy designed to raise the State's share of the cost of a student's education from forty-two per cent to fifty per cent. This would maintain our constitutional and legal responsibility to provide a thorough and efficient system of education. That legislation is needed by its own right. Educational programs and facilities across the State are threatened with cutbacks. Local property taxes for school purposes have soared. Increased school subsidies should help provide tax relief for local property owners now strained to the breaking point. This problem and the need to increase the Statewide school subsidy touch every Senatorial District in the State.

The Governor's threat unnecessarily raises the prospect of a serious confrontation with the Legislature. He is poorly advised if he tries to link the need for an increase in the Statewide subsidy with the more extreme problems in Philadelphia.

Every year, Philadelphia comes to the Legislature with a school crisis and a demand for more State handouts while most other school systems, experiencing precisely the same problems, make more of a local effort to support their schools. The fact is, that Philadelphia is not doing enough to help itself. Philadelphia receives a disproportionate amount of aid for its schools from State and Federal governments while escaping by paying disproportionately less locally.

As I noted here on the floor of the Senate several weeks ago, except for San Antonio, Texas, the Philadelphia School System receives more aid from its State government than any other urban school system in the country.

In 1975-1976, only ninety-six of the State's 505 school districts received more aid per pupil from the State than did Philadelphia; yet the aid ratio, which is a reflection of local wealth upon which to draw for the support of education, shows 412 school districts actually needed more assistance per pupil than did Philadelphia.

In 1976-1977, there were 111 financially distressed school districts in Pennsylvania. Ninety-eight of those made a greater local effort than did Philadelphia to support their schools. As a matter of fact, Philadelphia ranks 375 out of the 505 school districts, and fifty out of the State's sixty-seven counties, in terms of the financial effort local citizens make to support their school system.

It is time for the people of Philadelphia to do what citizens in other communities do; they must determine the degree of priority they wish for the education of their children and support that determination the way other people support it in their communities.

The concept embodied in House Bill No. 1075 will not pass the Legislature because it is correctly perceived as nothing short of a "bail out" for Philadelphia. It offers no prospect whatsoever of repayment; it would throw away \$20 million of the State's money for unnecessary interest and financing expenses which could better be used to support instructional programs; and it is a windfall for investment bankers and bond lawyers.

What the State ought to be doing is encouraging Philadelphia to help itself. Over the past few weeks, I have introduced legislation which would aid Philadelphia in solving its own problems. Specifically, the direct control and responsibility for operating the school system ought to be with the city's municipal government. The State should help the city identify where local funds might be diverted or raised to improve instructional programs. And the city must be permitted to place its faith and credit behind its own school system.

Today I am calling on the leadership within Philadelphia—the Mayor, the City Council, the School Board, and the city's representatives in the General Assembly—to assume some leadership in actively addressing the internal problems of that city. Today I am also calling on the Governor to reconsider his position on school subsidy increases, to avoid a serious and un-

necessary confrontation with the Legislature.

The destructive policy of linking an ill-fated and poorly disguised "bail out" of the Philadelphia schools, with the sorely needed revision of the school subsidy program, can only lead to further sectionalism in Pennsylvania among rural, suburban and urban factions. Such parochialism would not only prove detrimental to the education of all of our children, but could have a deleterious effect on all State services. Moreover, it would also jeopardize our ability to attract new industry and to retain our position as the "Keystone State."

The General Assembly and the Governor are under a constitutional mandate to provide "A thorough and efficient system of education throughout the Commonwealth" for all of our children. It is about time we fulfilled that obligation.

Senator NOLAN. Mr. President, as part of the leadership, I have been one of the privileged who has sat on no less than four occasions with the Governor in regard to the subsidy program for the State. As stated by the lady from Northampton, Senator Reibman, we do have a constitutional mandate to provide an education for all the school children in this Commonwealth. It is the Governor's responsibility, and the stand which he takes is that it is his responsibility to make sure that the children of Philadelphia receive as much consideration in any subsidy or any budget or any increase in taxes that may be passed by this Legislature.

He has stated that unless all problems in education are taken care of at the same time, he cannot, in good conscience, sign any subsidy bill that would not address itself to every school district in this Commonwealth. It is one thing to stand on this floor and tell us that the Governor is holding the subsidy bill hostage. However, there are those of us present on this floor who are not in favor of the subsidy program which has been recommended in House Bill No. 593. It is questionable whether House Bill No. 593 can pass the House and it is questionable whether it will pass the Senate.

There are those of us in this Senate who do not feel that our people back home in our school districts should be taxed to the extent that they receive less than fifty per cent of the moneys returned to their school districts that will be taken out of their pay envelopes for educational purposes in this State. It is not only the Governor who is holding up House Bill No. 593 and the so-called bail-out bill of House Bill No. 1075 for Philadelphia, there are also others within the Legislature who feel that this problem does exist, they know it exists and they want to face up to it.

The Governor has said when the Legislature arrives at the point where they address themselves to this problem and present to him a solution that is fair to all the school districts in this State and not a windfall for some—and some of the sponsors who sponsored House Bill No. 593 receive the largest windfall—then he will consider signing that legislation. He said that if it does not address itself fairly to all the school districts in this Commonwealth, including Philadelphia, he will veto it.

Mr. President, I think his message is loud and clear. We are addressing ourselves to that possibility in the Conference Committee. I think as the Governor of this Commonwealth he is required constitutionally to operate in this fashion.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS

WEDNESDAY, JULY 6, 1977

10:30 A.M.	APPROPRIATIONS (to consider Consumer Advocate 1977-78 Fundng and Retirement Board Money Manager Program)	Room 350
12:00 Noon	AGING AND YOUTH (to consider House Bill No. 1)	Room 168

MONDAY, JULY 11, 1977

11:00 A.M.	JUDICIARY (to consider Senate Bill No. 585)	Room 172
------------	---	----------

TUESDAY, JULY 12, 1977

10:00 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 366 and 594)	Senate Majority Caucus Room
10:30 A.M.	JUDICIARY (to consider Senate Bill No. 404)	Room 172

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Wednesday, July 6, 1977, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:13 p.m., Eastern Daylight Saving Time.