

# Legislative Journal

WEDNESDAY, OCTOBER 19, 1977

Session of 1977

161st of the General Assembly

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## SENATE

WEDNESDAY, October 19, 1977.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

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

## PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK GRUELL, JR.:

Father, help us through this day that it may be spent in Your service. In all our thoughts, words and actions, may we do Your will faithfully for love of You and all our brothers, through Christ our Lord. Amen.

## JOURNAL APPROVED

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

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

## SENATOR MESSINGER TO VOTE FOR SENATOR LYNCH

Senator MESSINGER. Mr. President, at this time I ask for a legislative leave of absence for Senator Lynch.

The PRESIDENT. Without objection, a legislative leave of absence is granted for Senator Lynch. I presume, Senator, you will be voting for him.

## LEAVE OF ABSENCE

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

## 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.

## REPORTS FROM COMMITTEE

Senator COPPERSMITH, from the Committee on Public Health and Welfare, reported, as committed, **SB 959** and **1106**; as amended, **HB 274**.

## BILLS INTRODUCED AND REFERRED

Senators STAUFFER, LYNCH, KELLEY, GURZENDA, ORLANDO, NOLAN, HILL, HANKINS, MANBECK, ANDREWS, GEKAS, HOPPER and HESS presented to the Chair **SB 1167**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for identification cards.

Which was committed to the Committee on Law and Justice.

Senators HOWARD, O'PAKE, GEKAS, STAPLETON, SCANLON, ROMANELLI, DOUGHERTY and HAGER presented to the Chair **SB 1168**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for invasion of privacy and repealing certain provisions relating to breach of privacy.

Which was committed to the Committee on Judiciary.

Senators ORLANDO, MELLOW, DUFFIELD, SCHAEFER, McKINNEY, GURZENDA, CORMAN, DWYER, HAGER, HESS, ANDREWS, COPPERSMITH, SWEENEY, KELLEY, NOSZKA, GEKAS, EARLY, LYNCH, SMITH, STOUT, ROMANELLI, SCANLON, NOLAN, LEWIS and MURRAY presented to the Chair **SB 1169**, entitled:

An Act requiring the licensing of practitioners of osteopathic medicine and surgery; regulating their practice; establishing the State Board of Osteopathic Medical Examiners in the Department of State with certain powers and duties; providing for certain funds and penalties for violations and repeals.

Which was committed to the Committee on State Government.

Senator BELL presented to the Chair **SB 1170**, entitled:

An Act requiring compensation paid to certain persons to be paid into the General Fund of the Commonwealth and providing a penalty.

Which was committed to the Committee on State Government.

Senators O'PAKE, MANBECK, MURRAY, NOSZKA, ROSS and SMITH presented to the Chair **SB 1171**, entitled:

An Act amending the act of July 9, 1976 (P. L. 858, No. 155), entitled "Capital Budget Act for Fiscal Year 1976-1977, Public Improvement Project Itemization Supplement-Department of General Services," itemizing an additional project to be constructed by the Department of General Services and changing authorizations and appropriations.

Which was committed to the Committee on Appropriations.

Senators REIBMAN, EARLY, MESSINGER, FLEMING, GURZENDA, SCHAEFER, O'PAKE and DWYER presented to the Chair **SB 1172**, entitled:

An Act providing for the administration and funding of programs to improve the quality of education.

Which was committed to the Committee on Education.

Senators HILL, HOWARD, REIBMAN and DWYER presented to the Chair **SB 1173**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, relating to breach of privacy of telephone or telegraph communications.

Which was committed to the Committee on Judiciary.

Senators ARLENE, HANKINS, SMITH, ORLANDO, McKINNEY, STOUT, MESSINGER, SCANLON, ROSS and MURRAY presented to the Chair **SB 1174**, entitled:

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "An act fixing the salaries and compensation of members of certain boards and commissions, and repealing inconsistent acts," increasing the salary of the Chairman and board members of the Unemployment Compensation Board of Review.

Which was committed to the Committee on Labor and Industry.

Senators SWEENEY, KURY, MESSINGER, REIBMAN, ORLANDO, O'PAKE, HILL, SCHAEFER and ROMANELLI presented to the Chair **SB 1175**, entitled:

An Act amending the act of July 31, 1941 (P. L. 616, No. 261), entitled "Employment Agency Law," further providing for employment agents, certain unlawful acts, applications for licensing and the processing of such applications, bonding, financial statements, fees, contracts and forms, registration and penalties.

Which was committed to the Committee on Labor and Industry.

## CALENDAR

### REPORTS OF COMMITTEES OF CONFERENCE BILLS OVER IN ORDER

**SB 354 and 355** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILL OVER IN ORDER TEMPORARILY

**SB 250** — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

### BILL OVER IN ORDER

**SB 630** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

### THIRD CONSIDERATION CALENDAR

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1263 (Pr. No. 1486)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Erie, Senator Orlando, will state it.

Senator ORLANDO. Mr. President, I would like to have a ruling of the Chair as to whether or not, being in this profession, it would be a conflict of interest to vote on this particular piece of legislation.

The PRESIDENT. For the record, I must ask whether you are the only optometrist in Pennsylvania? I did not say the best, I said the only. You are not, of course, and you are one of a class and therefore permitted and expected to vote on this legislation.

Senator SCHAEFER. Mr. President, I would like to have my remarks inserted in the record.

The PRESIDENT. The Chair thanks the gentleman.

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

Mr. President, yesterday and today we have been voting on the nonpreferred appropriations. I have consistently voted against them. I have done so with regret, because I support the Commonwealth's commitment to higher education.

Since being elected to the Senate, my voting record reflects my belief that State government should learn to live within its means. I voted against the supplemental appropriations that passed last spring. I did so because I felt that such legislation destroys the idea of a balanced budget. During the summer's budget battle, I voted in favor of one amendment after another that would cut government spending. I voted against the increases in school subsidies because we did not have the money to fund them. Finally, I voted against the phony "no-tax" budget. My reasons were two-fold. First, I could not condone the increases in State spending that this budget authorized. Make no mistake about it. The real increases in the spending by our State are a direct result of that budget. My second reason for voting against that budget was that it made our institutions of higher education captives by cutting them out of this funding.

I did not play in the first half of this "ball game." I do not expect to play in the second half. Once again, we are voting to spend money that we do not have. I wish to reemphasize that I favor the funding of the nonpreferreds, but to pass these appropriations without addressing the problem of paying for

them borders on fiscal irresponsibility. Incidentally, I would like to add that this is why I supported the attempt of the gentleman from Lackawanna, Senator Mellow, to have these bills go over in order temporarily and to have them recommitment to the Appropriations Committee.

Whether we make cuts in the budget passed last summer or increase taxes for the coming year is the question that must first be answered before we spend the money.

And the question recurring,  
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—41

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

#### NAYS—7

Early,	Mellow,	Schaefer,	Sweeney,
Kelley,	Nolan,	Stout,	

A constitutional two-thirds 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.

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**HB 1264 (Pr. No. 1487)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 2, by inserting between lines 5 and 6:

Section 5. The appropriation contained in section 1 shall be in lieu of the Institutional Assistance Grant which Drexel University receives from the Pennsylvania Higher Education Assistance Agency. The Pennsylvania Higher Education Assistance Agency shall not grant or award an Institutional Assistance Grant to Drexel University for the fiscal period July 1, 1977 to June 30, 1978.

Amend Sec. 5, page 2, line 6 by striking out "5." and inserting: 6.

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, I would merely like to point out to my colleagues that in following the same line of amendments that I introduced yesterday, Drexel University will receive in excess of \$3 million on a nonpreferred appropriation. Drexel University also received last year in excess of \$500,000 on the IAG and there is no question in my mind that this is a double dip in which they should not participate.

Mr. President, I would ask an affirmative vote on the amendments.

Senator FLEMING. Mr. President, for all the reasons stated yesterday so well and aptly, I find it necessary to oppose the amendments again because we are singling out one institution, one private institution, for removal from IAG consideration.

By the way, I am not sure how these amendments are worded, but as it was read it said "institutional agency." It is "Institutional Assistance Grant," not "agency." I do not know how the wording appears. In any event, these private institutions have not received increases in recent years and it certainly would seem to be entirely inappropriate to remove from them the possibility of gaining the assistance that comes through having each PHEAA grant student bring something like \$330 to that institution each year.

The PRESIDENT. We will be at ease for just a minute.

(The Senate was at ease.)

The PRESIDENT. Senator Mellow, I note by examining these amendments that an error was apparently made in the Legislative Reference Bureau, so without objection we will pencil in "assistance" where the word "agency" appears so there is no question that that is what you mean.

Senator MELLOW. Mr. President, that was also the case on the amendments that were introduced yesterday. It appeared the same way.

The PRESIDENT. Thank you, Senator. If the record could be changed and if there are more amendments, I would appreciate it if someone could put that in, or we will do it at the desk, so no one misunderstands.

Senator DOUGHERTY. Mr. President, I would like to just remind the Members what these amendments will do to the budgets of the colleges that are currently in process. What this says, basically, to Drexel is, "You have a budget, you have students in classes, you have faculty contracts. Now all of a sudden, we are going to take \$500,000 away from you and screw up the rest of the school year."

Again I would suggest that the appropriate thing is to consider this as separate legislation so that we can address the question the gentleman from Lackawanna, Senator Mellow, raises without disrupting the universities.

Senator HESS. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT. Will the gentleman from Lackawanna, Senator Mellow, permit himself to be interrogated?

Senator MELLOW. I will, Mr. President.

Senator HESS. Mr. President, this is my question: I have

heard some comment that we are singling out Drexel as we start this morning; am I correct in understanding that if we should secure the necessary votes for these amendments, the gentleman would ask for reconsideration of those amendments which were defeated yesterday, which had the same intent as the present amendments being presented?

Senator MELLOW. That is correct, Mr. President. I can also inform the gentleman and the Members of the Senate that when action is taken on Senate Bill No. 250 on concurrence, I have an amendment prepared that will put all the same schools in one class and one amendment that would take care of the same procedure in one amendment, so we will not single out any one school individually, which has been the argument advanced both yesterday afternoon and this morning.

Senator HESS. Mr. President, I appreciate the answer and I think the gentleman is being fair and equitable. We have been assured that we are not singling out anyone. We are, as a matter of fact, voting on a principle.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Fleming.

The PRESIDENT. Will the gentleman from Montgomery, Senator Fleming, permit himself to be interrogated?

Senator FLEMING. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman give us some indication as to how he would anticipate funding these schools, since the gentleman from Philadelphia, Senator Dougherty, has been defending the IAG program along with him? I am sure it might be a bit presumptuous on my part, but from what I understand of the gentleman from Philadelphia, Senator Dougherty, he probably will be supporting some type of a tax increase to pay for this additional appropriation. Could the gentleman give us any idea as to how he thinks money should be raised or how money should be set aside to pay for this, keeping in mind the fact that the General Appropriations bill has now expended all of the money that is certified by the Secretary of Revenue and also that there is a court case, Commonwealth versus Liveright, which indicates that any moneys that we have must first be given on a preferred basis and then on a nonpreferred basis?

Senator FLEMING. Mr. President, that is a somewhat involved question, but I will attempt to answer.

First, may I explain to the gentleman from Lackawanna, Senator Mellow, that I was one of some Republicans on this side of the aisle who originally voted in the affirmative for Senate Bill No. 770, which would have funded all of the services of State government and higher education. Unfortunately, the Administration and the Majority leadership in the House and Senate saw fit to place that measure in a conference committee from which it never emerged. I think that was unfortunate. Personally, I am on record as having voted in the affirmative on a budget that would have funded everything. So much for that particular issue.

As far as the present debacle that has been in evidence for the last several months, the only thing I can say is that—and I said this yesterday—there is a difference of opinion regardless of Attorney General opinions and other opinions which have been expressed. Everybody is expressing an opinion to suit his

own purpose. It would seem that at least some of us feel that funds are available and they do not have to be available in toto for these institutions, so that they do not have to continue to borrow at horrendous interest rates and tremendous daily expenditures. I would say that certainly where reasonable men are involved, a way can be found to fund these institutions under the present circumstances without really too much pain or strain.

Senator MELLOW. Mr. President, could the gentleman tell the Members of the Senate if he, in fact, is preparing a budget to do exactly what he is talking about?

Senator FLEMING. Mr. President, I did not quite clearly understand that. Would the gentleman repeat that question?

Senator MELLOW. Mr. President, I would like to know if the gentleman from Montgomery, Senator Fleming, is preparing a new budget as an amendment to some bill in the future which will get the level of spending back to the area which he thinks we can fund the nonpreferred appropriations?

Senator FLEMING. Mr. President, in answer to the gentleman's question, I really do not think it is necessary to prepare a new budget. I think it is simply a question of reopening some avenues that we have already covered and take a hard look at this.

While this interrogation is continuing I might also add that there is a method by legislation which already has been introduced—as a matter of fact, I think the gentleman from Chester, Senator Stauffer, is the chief sponsor of this legislation—that would provide for continuing budgets in the same manner that the Federal government handles these which would present no crisis on June 30th. The level of funding would continue each year. I heartily subscribe to this practice. The Federal government certainly does not go through all of this each year that we have gone through. In the past ten out of fourteen years we have missed the June 30th deadline. This would, as a by-product, provide an opportunity to do a little zero based budgeting just by way of adding another fillip to the whole matter. I think it might well be in order. It requires a constitutional amendment, but I think we had better set about doing something about that so we do not go through the same thing come next June 30th.

Senator MELLOW. Mr. President, I would like to remind the gentleman that it is Senate Bill No. 968 and it is on our Calendar. I am the prime sponsor of the bill. The gentleman from Chester, Senator Stauffer, has given us an amendment which I am currently looking at and that will take care of our problems sometime in the future. However, what is the immediate solution? Could the gentleman from Montgomery share with us some of the ideas he has in the areas where the budget could be cut in order that we could free some money to pay for these nonpreferreds in lieu of a tax increase?

Senator FLEMING. Mr. President, the gentleman is going to consume a great deal of time here. I can really see no great reason for going into the budget item-by-item. There are, admittedly, areas of State government that have been increased at least from six per cent to ten per cent in this budget. Some of them are not warranted. There are programs that are not warranted. There are funds that could be lapsed. There are

other measures that could be taken and I assume that all of these in combination would provide the funds that are necessary. Again, I would reiterate that once I voted for a budget that would have handled the IAGs and everything else that was necessary to handle the higher education and all the funding for State government.

Senator MELLOW. Mr. President, I would like to point out that the cause advanced by the gentleman, both yesterday and today, increases the expenditure of the budget by approximately eighteen per cent in some cases. Senate Bill No. 770, when it passed this Body, provided for \$12 million for the IAG grants. This particular provision provides for \$14 million. Therefore, I would point out to the gentleman that in this particular area alone his support is increasing the budget by somewhere between fifteen per cent and eighteen per cent on this one item, not taking into consideration any of the other nonpreferreds which he has so strongly endorsed in debate yesterday and, I am sure, will continue today.

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—17

Andrews,	Kelley,	Nolan,	Stout,
Dwyer,	Kusse,	Orlando,	Sweeney,
Early,	Manbeck,	Schaefer,	Tilghman,
Hess,	Mellow,	Stapleton,	Wood,
Holl,			

## NAYS—30

Arlene,	Hager,	Lynch,	Romanelli,
Bell,	Hankins,	McKinney,	Ross,
Corman,	Hill,	Messinger,	Scanlon,
Dougherty,	Hopper,	Moore,	Smith,
Duffield,	Howard,	Murray,	Snyder,
Fleming,	Jubelirer,	Noszka,	Stauffer,
Gekas,	Kury,	O'Pake,	Zemprelli,
Gurzenda,	Lewis,		

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,  
Shall the bill pass finally?

Senator DWYER. Mr. President, last evening the Senate struck three blows for equality and justice in the State's handling of funding of the private colleges and universities in this Commonwealth when it defeated the pork barrel appropriations for Philadelphia College of Textiles and Science, the University of Pennsylvania and the Delaware Valley College of Science and Agriculture. This means that these three schools, if those votes stand, will be treated with the ninety-some other private colleges and universities in the State under the equitable formula of receiving Institutional Assistance Grants.

We now have before us another institution which has traditionally received an equitable pork barrel appropriation. We now have an opportunity to strike a fourth blow for justice and equality as well as consistency by ending this large end of their double dip so that Drexel joins all the other private colleges and universities in the State in being treated equitably in the Institutional Assistance Grant formula.

Last year they received some \$538,000 in Institutional Assistance Grants; they would probably receive a similar amount this year. As I said, the main goal would be that they be treated in the same manner as all the other private colleges and universities in the Commonwealth.

Senator BELL. Mr. President, likewise speaking on behalf of equality and fair play for the students at Drexel who do not have access to State-owned colleges and universities like there are elsewhere in the State, I am going to vote in favor of this bill.

Senator JUBELIRER. Mr. President, I certainly take issue with the gentleman from Crawford, Senator Dwyer, on the definition of "pork barrel." On behalf of the lady from Northampton, Senator Reibman, the gentleman from Cambria, Senator Coppersmith, and I, we would not vote for "pork barrel" under any conditions.

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—33

Arlene,	Hankins,	Lynch,	Romanelli,
Bell,	Hill,	Manbeck,	Ross,
Corman,	Holl,	McKinney,	Scanlon,
Dougherty,	Hopper,	Messinger,	Smith,
Duffield,	Howard,	Moore,	Snyder,
Fleming,	Jubelirer,	Murray,	Stauffer,
Gekas,	Kury,	Noszka,	Tilghman,
Gurzenda,	Lewis,	Orlando,	Zemprelli,
Hager,			

## NAYS—15

Andrews,	Hess,	Nolan,	Stout,
Coppersmith,	Kelley,	O'Pake,	Sweeney,
Dwyer,	Kusse,	Schaefer,	Wood,
Early,	Mellow,	Stapleton,	

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

### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1270 (Pr. No. 1493)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—43

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

## NAYS—5

Early,	Kelley,	Schaefer,	Tilghman,
Hess,			

A constitutional two-thirds 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.

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**HB 1272 (Pr. No. 1495)** — 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—33

Arlene,	Hankins,	Lynch,	Ross,
Coppersmith,	Hill,	McKinney,	Scanlon,
Corman,	Holl,	Messinger,	Smith,
Dougherty,	Hopper,	Murray,	Stapleton,
Duffield,	Howard,	Noszka,	Stauffer,
Fleming,	Jubelirer,	O'Pake,	Stout,
Gekas,	Kury,	Orlando,	Tilghman,
Gurzenda,	Lewis,	Romanelli,	Zemprelli,
Hager,			

## NAYS—15

Andrews,	Hess,	Mellow,	Snyder,
Bell,	Kelley,	Moore,	Sweeney,
Dwyer,	Kusse,	Nolan,	Wood,
Early,	Manbeck,	Schaefer,	

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

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1273 (Pr. No. 1496)** — 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—39

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

## NAYS—9

Early,	Manbeck,	Nolan,	Stout,
Holl,	Mellow,	Schaefer,	Sweeney,
Kelley,			

A constitutional two-thirds 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.

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**HB 1275 (Pr. No. 1498)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator STAUFFER. Mr. President, it has often been said that you cannot have it both ways. I believe the appropriations bill before us at this time proposes that this organization, the Franklin Institute of the State of Pennsylvania, can have it both ways. The Franklin Institute has a public portion of its operation which does some very fine work for the benefit of schoolchildren and the general public.

At the same time the Franklin Institute conducts what is known as the Franklin Institute Research Laboratories. This is a part of this institute which competes with private enterprise in various types of industrial research work. Many of those involved in the private sector have disapproved of this appropriation from the Commonwealth because they find themselves competing and bidding on contracts in competition with a State-supported institution which is able, quite obviously, to underbid them because, number one, they do not pay taxes; and number two, because they receive an appropriation from the Commonwealth.

On the other hand, the private research laboratories of the Commonwealth supply jobs and have a payroll and must pay taxes to the Commonwealth. They contribute to the largess through which we make the nonpreferred appropriations. It is unfair and it should not be allowed to continue.

I recognize that someone is immediately going to jump up and say, "Well, Senator, if you read this bill closely it says that none of the funds in this appropriation may be used for the Franklin Institute Research Laboratories." However, I think we are all well aware of the fact that any moneys that we appropriate to one division of the institute relieves the pressure on funds and

permits them to release funds to be used for the other part of the operation. So, in effect, that language in the bill is meaningless. It does not stop them at all from supplying sufficient money for the research laboratories. Mr. President, I do not think this is fair and I think the bill should be defeated.

Senator SNYDER. Mr. President, I want to align myself very definitely with the remarks made by the gentleman from Chester, Senator Stauffer. I think unless we take some action of this sort, namely by defeating this bill, we shall never get a correction of the situation.

It might be asked, do we suggest that Franklin Institute disband its 300 or more scientists, researchers, et cetera? No, I do not urge that at all. There is a solution available to Franklin Institute and that is if they would separate, as a corporate matter, their museum, their planetarium, et cetera, which are very fine things and which we would gladly fund, from their research and testing areas.

Something similar to this was done by Cornell, I believe, when they spun off their aeronautical laboratories. There is a definite corporate, profit-making enterprise there that serves business and government, too, but does it in a way that competes fairly with the private enterprises that do the same thing.

I believe we have to explore this whole area of nonprofit favoritism in our society. We would talk about it but we would never do anything and neither will Franklin Institute do anything unless we vote negatively on this bill.

Mr. President, I would urge that we defeat this bill.

Senator HILL. 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 HILL. Mr. President, I ask the gentleman if, in fact, he is saying that the Franklin Institute makes a profit of some kind which goes out in the form of dividends or profits to people who have an interest in it?

Senator STAUFFER. Mr. President, I did not understand the question clearly. Did the gentleman ask whether they made a profit which went to stockholders in the form of dividends? Is that the question?

Senator HILL. Yes, Mr. President, that is the question.

Senator STAUFFER. Mr. President, I am not implying anything regarding dividends to stockholders, because I do not know what the structure of the institute is in that regard. I doubt that there is a structure like that. I am implying that they are able to unfairly compete with private businesses because they are tax-free and because they do not pay taxes to the Commonwealth while others in the exact same research field must do both.

Senator HILL. Mr. President, is it not a fact that the Franklin Institute may be able to support its museum and other public sections better because they have this research facility which does produce income?

Senator STAUFFER. Mr. President, that may be the case, but if it is the case, again, it is an unfair infringement on other taxpayers of the Commonwealth. There should be no reason

that they should be able to subsidize their operation, no matter how valuable and constructive it might be, at the expense of others who are taxpaying members of the society of the Commonwealth.

Senator HILL. Mr. President, there certainly has been no indication whatsoever from the gentleman from Chester, Senator Stauffer, or the gentleman from Lancaster, Senator Snyder, or anyone else, that the Franklin Institute Research section undercharges what other organizations might ask for the same services. It seems to me that the fact that they do bring in some income is to their credit. Otherwise we might be asked to give them even more money.

Senator BELL. Mr. President, the information which has been given to me by a constituent is to the effect that, by reason of their tax-exempt status and government subsidy, Franklin Institute is underbidding people doing the same work, who pay taxes and are in the nongovernmental subsidized area.

Senator STAUFFER. Mr. President, to supplement what the gentleman from Delaware, Senator Bell, has indicated, I have been contacted by three research laboratories in the Commonwealth, all of whom indicate that they have been underbid repeatedly because of the very fact that Franklin Institute is a tax-free institution and subsidized by the Commonwealth.

And the question recurring,  
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—23

Arlene,	Hankins,	McKinney,	Ross,
Coppersmith,	Hill,	Messinger,	Smith,
Dougherty,	Howard,	Murray,	Stapleton,
Fleming,	Kury,	Noszka,	Tilghman,
Guzeunda,	Lewis,	O'Pake,	Wood,
Hager,	Lynch,	Orlando,	

#### NAYS—25

Andrews,	Hess,	Manbeck,	Schaefer,
Bell,	Holl,	Mellow,	Snyder,
Corman,	Hopper,	Moore,	Stauffer,
Duffield,	Jubelirer,	Nolan,	Stout,
Dwyer,	Kelley,	Romanelli,	Sweeney,
Early,	Kusse,	Scanlon,	Zemprelli,
Gekas,			

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

#### NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1276 (Pr. No. 2037)** — Considered the third time,

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



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

Amend Bill, page 2, by inserting between lines 25 and 26:

Section 6. The appropriation contained in section 1 shall be in lieu of the Institutional Assistance Grant which the Hahnemann Medical College of Philadelphia receives from the Pennsylvania Higher Education Assistance Agency. The Pennsylvania Higher Education Assistance Agency shall not grant or award an Institutional Assistance Grant to the Hahnemann Medical College of Philadelphia for the fiscal period July 1, 1977 to June 30, 1978.

Amend Sec. 6, page 2, line 26 by striking out "6." and inserting: 7.

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, having gone through this now—this being the eighth occasion—everyone knows what the amendments are.

I would be only too happy to accept the roll call of the last amendments.

Senator FLEMING. Mr. President, the only point the gentleman has overlooked with these amendments is that the IAG grants go to undergraduate nurses. The appropriation to Hahnemann is a per capita medical school appropriation for graduate school doctors. I would emphasize in this instance that this is not a double dip.

Mr. President, I would urge a "no" vote.

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—12

Andrews,	Hess,	Mellow,	Stapleton,
Dwyer,	Holl,	Nolan,	Stout,
Early,	Kelley,	Schaefer,	Sweeney,

#### NAYS—36

Arlene,	Hager,	Lynch,	Romanelli,
Bell,	Hankins,	Manbeck,	Ross,
Coppersmith,	Hill,	McKinney,	Scanlon,
Corman,	Hopper,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Snyder,
Duffield,	Jubelirer,	Murray,	Stauffer,
Fleming,	Kury,	Noszka,	Tilghman,
Gekas,	Kusse,	O'Pake,	Wood,
Gurzenda,	Lewis,	Orlando,	Zemprelli,

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

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

#### YEAS—41

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

#### NAYS—7

Early,	Mellow,	Schaefer,	Sweeney,
Kelley,	Nolan,	Stout,	

A constitutional two-thirds 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 1279 (Pr. No. 1502)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—34

Arlene,	Hager,	Messinger,	Scanlon,
Bell,	Hankins,	Moore,	Smith,
Coppersmith,	Hill,	Murray,	Snyder,
Corman,	Hopper,	Noszka,	Stapleton,
Dougherty,	Howard,	O'Pake,	Stauffer,
Duffield,	Kury,	Orlando,	Tilghman,
Fleming,	Lewis,	Romanelli,	Wood,
Gekas,	Lynch,	Ross,	Zemprelli,
Gurzenda,	McKinney,		

#### NAYS—14

Andrews,	Holl,	Manbeck,	Schaefer,
Dwyer,	Jubelirer,	Mellow,	Stout,
Early,	Kelley,	Nolan,	Sweeney,
Hess,	Kusse,		

A constitutional two-thirds 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 1283 (Pr. No. 2096)** — 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—35

Arlene,	Hager,	Manbeck,	Ross,
Bell,	Hankins,	McKinney,	Scanlon,
Coppersmith,	Hill,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Noszka,	Stauffer,
Fleming,	Kury,	O'Pake,	Wood,
Gekas,	Lewis,	Orlando,	Zemprelli,
Gurzenda,	Lynch,	Romanelli,	

#### NAYS—13

Andrews,	Holl,	Mellow,	Stout,
Dwyer,	Kelley,	Nolan,	Sweeney,
Early,	Kusse,	Schaefer,	Tilghman,
Hess,			

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

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

#### SB 250 CALLED UP

**SB 250 (Pr. No. 1304)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar under Bills on Concurrence in House Amendments by Senator MESSINGER.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL LAID ON THE TABLE

##### MOTION TO CONCUR

**SB 250 (Pr. No. 1304)** — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 250.

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

#### AMENDMENTS OFFERED

Senator TILGHMAN. Mr. President, I offer an amendment to Senate Bill No. 250.

The PRESIDENT. Senator, an amendment is not in order at this time.

The question is, will the Senate agree to concur in the House amendments.

Senator TILGHMAN. Mr. President, I appeal the ruling of the Chair.

The PRESIDENT. There has been no ruling, Senator. I have not ruled on anything.

A motion was made and I stated the motion. The question is clear. There is no question about that.

Senator TILGHMAN. If the motion carries, where are we then, sir?

The PRESIDENT. We concur in the House amendments and the bill then goes back to the House for signature, Senator.

Senator TILGHMAN. Mr. President, I then would not have a chance to offer the amendments which I am offering at the present time?

The PRESIDENT. That is correct, Senator.

The question before the Senate is, will the Senate agree to the motion to concur in the House amendments?

Senator TILGHMAN. Mr. President, I think there will have to be a ruling of the Chair to the effect that the amendments are out of order then.

The PRESIDENT. Senator, the amendments have never been under consideration.

What is under consideration now is the motion by Senator Messinger that we concur in the House amendments.

Senator TILGHMAN. Mr. President, I asked for recognition before the motion was made.

The PRESIDENT. No, Senator. Senator Messinger had the floor and made his motion properly.

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

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

The PRESIDENT. On the question raised by Senator Tilghman as to which takes precedence, the gentleman is right and the Chair is wrong. The presentation of amendments is a preferential move in this case, Senator.

Senator TILGHMAN. The motion of Senator Messinger is the main motion. My motion is an amendment to the main motion.

Mr. President, I offer amendments to Senate Bill No. 250.

#### AMENDMENTS RULED OUT OF ORDER

The PRESIDENT. It would be the ruling of the Chair that these amendments are out of order in connection with an interpretation of the Rules of the Senate which was given twice by this Body in recent years, once in 1974 and once on July 18, 1977, when the President of the Senate ruled that, according to Senate Rules and upon precedent set in 1974, it would be out of order for the Senate to attempt to amend a bill presently before the Senate for concurrence.

Therefore, on that basis it would be the ruling of the Chair that these amendments are out of order.

#### DECISION OF CHAIR APPEALED

Senator TILGHMAN. Mr. President, I appeal the ruling of the Chair.

The PRESIDENT. Senator Tilghman appeals the ruling of the Chair.

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

The PRESIDENT. The question before the Senate is, shall the decision of the Chair stand as the judgment of the Senate?

The Parliamentarian has advised the President, that this appeal opens up debate. Therefore, I wanted to check as to whether we should limit the debate.

On the question,

Shall the decision of the Chair stand as the judgment of the Senate?

### PARLIAMENTARY INQUIRY

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

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

Senator TILGHMAN. Mr. President, I understand that an appeal to the ruling of the Chair takes a simple majority of those present, is that correct?

The PRESIDENT. That is correct.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman please, very briefly, describe the substance of the amendments? Primarily, I am concerned, Mr. President, as to whether or not those amendments go to amending the House amendments or do they go more broadly to amend what was previously considered by this Body and not the House amendments or do they go to both?

Senator TILGHMAN. Mr. President, I would ask some of the pages to come up and hand out the amendments.

The PRESIDENT. Senator, do you have a sufficient number for all Members?

Senator TILGHMAN. Yes, Mr. President.

The PRESIDENT. The Senate will be at ease for just a few minutes while the Members have an opportunity to examine the amendments.

(The Senate was at ease.)

Senator TILGHMAN. Mr. President, I would like to briefly explain these amendments. These amendments do nothing relative to the IAG wording in the bill, although there may be amendments later on that take care of that, but they are not mine. These amendments would help us relieve some of the pressure on the general budget passed last summer, which we will call Act 11-A, rather than House Bill No. 1349.

In Act 11-A the total cuts in these amendments are \$46 million, only \$46 million. In Act 11-A we shifted \$30 million from the Motor License Fund into the General Fund to relieve the Motor License Fund of certain money. In other words, we gave them \$30 million more by shifting it to the General Fund. These amendments would leave that \$30 million in the Motor License Fund. That \$30 million in the Motor License Fund cannot be spent because we appropriate the money in the Motor License Fund and the \$30 million in the Motor License Fund has to be appropriated by an Act of the General Assembly and it has not done so. I am trying to not lose anybody. We are just taking \$30 million out of the General Fund and putting it in the Motor License Fund where it has always been.

We are, in addition, looking in these amendments at the general government operations of various departments of the State. In Act 11-A, many of the general government operations

were cut or left at last year's level or increased. The \$16 million, in addition to the \$30 million, are saved in the General Fund because we took the general operations of government and put them at last year's level. We did not cut them, we did not cut them across the board, we did not cut three per cent here or four per cent there. We left them at last year's level.

People have said to me, "There is an increased cost of government which we might call for this purpose 'overhead,'" such as Blue Cross, social security, et cetera, and I agree that there is. However, I have never had a letter in ten years that has asked me to increase the employables in State government. If some people would be cut because of these amendments, I am absolutely certain in my own mind that this can be taken care of by the normal attrition rate among the number of people employed in the State. We have checked very closely, and the attrition rate varies from five to ten per cent. I do not think there will be any furloughs. I do not believe there will be anything like that. It will just mean they will have to be more businesslike in their approach to government and where there is waste, they will have to cut back. So, the \$16 million is taking general government and leaving it at last year's level in those particular instances not touched by Act 11-A.

Senator KELLEY. Mr. President, I thank the gentleman for his explanation and his response in the circulation of copies of the amendments.

Mr. President, I should like to address myself, very briefly, to the subject of the issue before us and that is, that Rules of this Body or any body are so conceived as to permit any body to function with reason, deliberation and, hopefully, get the best results.

These amendments really open up the General Appropriations bill and it seems to me totally inconsistent that we would do this through an amendatory process to a bill that was supplemental. As you will notice, the amendments will, if passed, change the appropriations bill. The original bill in its present form is a supplement to that bill. We are all prepared, through the legislative process, to know what the contents were and that it was only a supplement and only potentially amendable as a supplement.

When amendments are put forth that would open the door to the General Appropriations bill, it seems to run counter and thwart the very purpose of our Rules and the Rules themselves.

Mr. President, I believe the Chair is correct in its ruling. I would, however, be inclined to suspend the Rules at any time and permit an amendment that would just direct itself to the House amendments that were put in. That would be the deliberative process of the true jurisdiction of the bill itself.

Therefore, I recommend an affirmative vote to sustain the decision of the Chair.

Senator TILGHMAN. Mr. President, we well recognize that Senate Bill No. 250 is a supplement and if you will look at Senate Bill No. 250 it says "A supplement," and I would also like to tell the gentleman from Westmoreland, Senator Kelley, that the Legislative Reference Bureau also recognized this.

If the Members will look at the very first line of the first page of the amendments I introduced—and of course, this was drawn up by the Legislative Reference Bureau—it says "... by strik-

ing out the heading 'A SUPPLEMENT' and inserting 'AN ACT.' "

Senator KELLEY. Mr. President, just for the record, I believe I said that in my direct remarks in pointing out that that change was notable between the bill and the amendments and was trying to make the point of it representing the extreme difference and truly violating the spirit of the law we are trying to set aside.

Senator TILGHMAN. Mr. President, I appreciate the Chair's latitude in letting us argue this. I do not want the people listening to us in various parts of the buildings to think we are voting on the amendments. We are voting on my appeal to the ruling of the Chair. Is that not correct, Mr. President?

The PRESIDENT. That is correct, Senator.

And the question recurring,

Shall the decision of the Chair stand as the judgment of the Senate?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—23

Arlene,	Hill,	Messinger,	Scanlon,
Coppersmith,	Kelley,	Murray,	Smith,
Dougherty,	Kury,	Noszka,	Stapleton,
Duffield,	Lewis,	O'Pake,	Stout,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,
Hankins,	McKinney,	Ross,	

#### NAYS—25

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

So the question was determined in the negative, and the decision of the Chair was not sustained and the amendments are in order.

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

Amend Bill, page 1, by striking out the heading "A SUPPLEMENT" and inserting: AN ACT

Amend Title, page 1, line 7 by striking out "TO" where it appears the first time and inserting: Amending

Amend Title, page 1, line 18 by striking out "AND" and inserting a semicolon

Amend Title, page 1, line 19 by removing the period after "COMMITTEES" and inserting: ; and changing and limiting certain appropriations to the Executive Department.

Amend Bill, page 3, lines 24 through 30; page 4, lines 1 through 30; page 5, lines 1 through 21 by striking out all of said lines and inserting:

Section 1. So much of section 2 as relates to certain appropriations to the Executive Department, act of

August 20, 1977 (No. 11-A), known as the "General Appropriation Act of 1977," is amended by changing and limiting items to read:

Section 2. The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive, Legislative and Judicial Departments of the Commonwealth for the payment of the salaries, wages or other compensation and travel expense of the duly elected or appointed officers and employees of the Commonwealth, for payment of fees of contractual services rendered, for the purchase or rental of goods, services, printing, equipment, land and buildings and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal period beginning July 1, 1977 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1977.

#### I. EXECUTIVE DEPARTMENT

##### To the Governor

For the salaries, wages and all necessary expenses for the following purposes and activities, including the maintenance of the Executive Mansion, the expense of entertainment of official guests and members of the General Assembly and the Judiciary, participation in the Governor's Conference, the expenses of the Executive Board, and for the payment of traveling expenses of persons other than employees of the Commonwealth appointed by the Governor to represent or otherwise serve the Commonwealth:

Administration of the Office of the Governor .....	\$[2,100,000]
	<u>1,958,000</u>

\* \* \*

For the administration and operation of the Office for Human Resources: Provided, That no allocation may be made from this appropriation for the Nursing Home Ombudsman Project. ....

[224,000]
<u>151,000</u>

\* \* \*

For the administration and operation of the Office of the Budget .....

[1,690,000]
<u>1,470,000</u>

For the salaries, wages and all necessary expenses for the proper administration and operation of the Human Relations Commission. ....

[3,710,000]
<u>3,672,000</u>

For the conduct of the work of the Pennsylvania Council on the Arts, requisitions to be signed by the Governor .....

[2,000,000]
<u>1,889,000</u>

For the administration and operation of the Pennsylvania Commission for Women .....

[154,000]
<u>130,000</u>

\* \* \*

##### To The Treasury Department

\* \* \*

For the administration of the Board of Finance and Revenue . .

[519,000]
<u>500,000</u>

\* \* \*

##### To the Department of Agriculture

For the salaries, wages and all necessary expenses for the prop-

er administration of the Department of Agriculture, including the following programs: regulation of consumer products and promotion of fair business practices, plant health, animal health, rural services and agribusiness development. . . . . [14,152,000]  
13,658,000

\* \* \*

To the State Council of Civil Defense

For the salaries, wages and all necessary expenses for the proper administration of the State Council of Civil Defense, including emergency disaster assistance . . . . . [554,000]  
456,000

\* \* \*

To the Department of Community Affairs

For the salaries, wages and all necessary expenses for the proper administration of the Department of Community Affairs, including community action assistance, housing and redevelopment, area-wide services, municipal administrative support capability, local recreation areas and facilities and community development planning . . . . . [5,900,000]  
5,782,000

For administration of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act . . . . . [110,000]  
100,000

\* \* \*

To the Department of Education

For the salaries, wages and all necessary expenses for the proper administration of the Department of Education, including criminal law enforcement, general instruction, special education, compensatory programs, vocational education, higher education-professional support services, achieving economic independence-socially and economically disadvantaged, local recreation areas and facilities . . . . . [14,295,000]  
12,690,000

\* \* \*

To provide additional complement for the Department of Education to carry out programmatic and fiscal programs . . . . . [163,000]  
100,000

\* \* \*

For the operation of the State Library, providing reference services and administering aid to public libraries . . . . . [1,493,000]  
1,486,000

\* \* \*

For the Pennsylvania Higher Education Assistance Agency

\* \* \*

For the purpose of allocating institutional assistance grants for the academic year beginning

on or about September 1, 1977, pursuant to the criterion contained in the act of July 18, 1974 (P.L. 483, No. 174), known as "The Institutional Assistance Grants Act" . . . . . 14,000,000

To the Department of Environmental Resources

For deep mine safety . . . . . [2,300,000]  
2,144,000

For occupational health. . . . . [650,000]  
600,000

For surface mine reclamation . . . . . [2,180,000]  
2,000,000

\* \* \*

For community environmental control . . . . . [6,235,000]  
5,354,000

For radiological health . . . . . [712,000]  
581,000

For State forestry operations . . . . . [10,300,000]  
10,222,000

\* \* \*

For the gypsy moth laboratory and research . . . . . [406,000]  
400,000

For insect spraying operations . . . . . [350,000]  
200,000

For State parks . . . . . [19,894,000]  
18,458,000

\* \* \*

For the payment of the cost of manpower, equipment and materials used in the control and extinction of forest fires . . . . . [150,000]  
100,000

\* \* \*

To the Department of Health

For the operation of Bureau of Vital Statistics . . . . . [3,113,000]  
2,950,000

For the operation of the State Laboratory . . . . . [2,164,000]  
1,870,000

For the operation of State Health Care Centers, including the district offices of the Department of Health . . . . . [9,400,000]  
8,546,000

\* \* \*

For maternal and child health. . . . . [607,000]  
550,000

\* \* \*

To the Pennsylvania Historical and Museum Commission

\* \* \*

For administration of the Washington Crossing Park Commission and operation and maintenance of the Washington Crossing State Park . . . . . [592,000]  
542,000

For administration of the Brandywine Battlefield Park Commission and operation and

maintenance of Brandywine Battlefield Park . . . . . [118,000]  
112,000

\* \* \*

To the Department of Insurance

For the salaries, wages and all necessary expenses for the proper administration of the Department of Insurance including policyholder services and protection, regulation of rates and policies, liquidation of companies and regulation of companies. . . . [5,347,000]  
4,930,000

\* \* \*

To the Department of Justice

For salaries, wages and all necessary expenses of the Juvenile Court Judges' Commission . . [249,000]  
209,000

\* \* \*

To the Department of Labor and Industry

For salaries, wages and all necessary expenses for the proper administration of the Department of Labor and Industry, including regulation of consumer products and promotion of fair business practice, accident prevention, occupational health and safety, income maintenance, and industrial relations stability. . . . [12,100,000]  
11,589,000

\* \* \*

To the Department of Military Affairs

For salaries, wages and all necessary expenses for the proper administration of the Department of Military Affairs including emergency disaster assistance, financial assistance to students and income maintenance. . . . . [7,800,000]  
7,368,000

\* \* \*

To the Pennsylvania Board of Probation and Parole

For the salaries, wages and all necessary expenses for the proper administration of the Board of Probation and Parole reintegration of offenders. . . . . [9,839,000]  
9,015,000

\* \* \*

To the Department of Public Welfare

County Administration. . . . . [22,362,000]  
20,000,000

\* \* \*

To the Department of Revenue

For salaries, wages and all necessary expenses for the proper administration of the Department of Revenue including corporation taxes, county collections, cigarette and beverage taxes, education tax administration and administration of the personal income tax . . . . . [49,310,000]  
47,310,000

\* \* \*

To the Pennsylvania Securities Commission

For the salaries, wages and all necessary expenses for the prop-

er administration of the Pennsylvania Securities Commission . . . [900,000]  
861,000

To the Department of State

For salaries, wages and all necessary expenses for the proper administration of the Department of State including regulation of consumer products and promotion of fair business practice, maintenance of the electoral process, and for the proper administration of the Bureau of Professional and Occupational Affairs . . . . . [5,831,000]  
5,439,000

\* \* \*

To the Pennsylvania State Police

For salaries, wages and all necessary expenses for the proper administration of the Pennsylvania State Police, including juvenile crime prevention, criminal law enforcement, prevention and control of civil disorders, emergency disaster assistance and fire prevention and including \$640,000 which shall be used for a cadet class to begin in the 1977-1978 fiscal year . . . [59,135,000]  
28,079,000

\* \* \*

To the State Tax Equalization Board

For the salaries, wages and all necessary expenses for the proper administration of the State Tax Equalization Board . . . . . [823,000]  
789,000

To the Department of Transportation

For the salaries, wages and all necessary expenses for the proper administration of the Department of Transportation including urban, rural and intercity mass transportation, rail freight transportation and port development. . . . . [1,089,000]  
1,040,000

\* \* \*

To the Pennsylvania Public Television Network Commission

For the salaries, wages and all necessary expenses for the proper administration of the Pennsylvania Public Television Network Commission including network station grants. . . . . [4,473,000]  
4,317,000

No allocations may be made from this appropriation for the support of instructional television by either the commission or its member stations.

For programming services . . . [2,000,000]  
1,700,000

\* \* \*

Section 2. The act is amended by adding sections to read:

Section 3.1. In order to continually improve the budgetary procedures and functions of the General Assembly, the Budget Secretary shall immediately institute through the Audit and Evaluation Section, on

the effective date of this act, a series of program audits. The program audits shall thoroughly examine each program or expenditure to determine the objectives, results and effectiveness of each program. The audit shall also determine the efficiency of the program, the level and effectiveness of management and employee utilization and whether the program is satisfying present needs and demands. The audit shall make recommendations relating to funding, staffing, continuing utilization and cost effectiveness. The detailed reports on each of the program audits shall be submitted to the Governor and the General Assembly for their review. For the fiscal year 1977-1978 the Budget Secretary shall audit the following programs:

The Governor's Council on Drug and Alcohol Abuse.  
Rural Affairs Program in the Department of Agriculture.

Minority Business Development Authority.

The entire General Government Operations Appropriation of the Department of Community Affairs.

The entire General Government Operations Appropriation of the Department of Education.

The school transportation program including hazardous routes and nonpublic school students.

The administrative programs of the Intermediate Units.

The Water Quality Management Program in the Department of Environmental Resources.

Nursing Home Inspection Program in the Department of Health.

Community Services Centers operated by the State Prisons.

The entire program for Youth Development Centers.

The relationship between the County and Community Mental Health Program and the State institutions for mental illness and mental retardation.

The enforcement and administration of the State sales tax of the Department of Revenue.

Mass Transportation Assistance Program.

Section 3.2. The Budget Secretary shall, by January 15, 1978, submit the audit reports to the Governor who shall include the recommendations of the audit reports in the annual budget request submitted to the General Assembly.

Section 3.3. The Appropriation Committees of the House of Representatives and the Senate may include and utilize the audit report recommendations in the annual budget or shall issue a detailed report to the members of the General Assembly setting forth the rationale for refusing to accept the recommendations set forth in the audit.

Amend Sec. 6, page 5, line 22 by striking out "6" and inserting: 3

On the question,

Will the Senate agree to the amendments?

Senator TILGHMAN. Mr. President, there is some concern on this side of the aisle as to what is happening with the \$30 million that was and has historically been in the Motor License Fund for the payment of the State Police. In the reports of the Committee of Conference it was recognized that approximately \$90 million was taken out of the Motor License Fund and has historically been taken out of the Motor License Fund for the payment of the State Police. There were various discussions, pro and con, on taking the money out of the Motor License Fund and paying the State Police from the General Fund.

We are simply saying in these amendments that the State Police will continue to be paid out of the Motor License Fund. There may well be an additional need for some type of a gas tax to put additional money into the Motor License Fund. I do not know. If there is, we will face that issue later on. This is simply leaving the \$30 million in the Motor License Fund as has been done historically for many years past.

#### POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Allegheny, Senator Nolan, will state it.

Senator NOLAN. Mr. President, is it proper to separate, for separate votes, any part of these amendments?

The PRESIDENT. We will be at ease for just a minute, Senator.

(The Senate was at ease.)

The PRESIDENT. It would be proper, Senator Nolan, depending on how you wanted to divide it. In this case the issue of the division of a question centers around the fact of when you divide it, whether the part you vote for cannot stand alone. It would be my opinion that in almost every instance you could divide any part of this that you chose to divide.

#### REQUEST TO DIVIDE QUESTION

Senator NOLAN. Mr. President, at this time I request that we separate the vote, beginning on page 6, Section 2, Section 3.1 and continuing on page 7 of the amendments.

The PRESIDENT. It would be helpful to the Chair and, perhaps, everyone if Senator Nolan and Senator Tilghman would come to the desk. We can then outline the division and the Chair will restate it for the benefit of the Members.

We will be at ease for just a minute.

(The Senate was at ease.)

Senator TILGHMAN. Mr. President, for the interest of the Members, I would agree with the request of the gentleman from Allegheny, Senator Nolan, and the ruling of the Chair that the question may be divided and I have no objection to dividing the question.

The PRESIDENT. Senator Nolan, is it my understanding that your request for division of the question begins on page 6, just prior to Section 2, and that it is your desire that the question be divided at that point?

Senator NOLAN. That is right, Mr. President. I so request at this time.

The PRESIDENT. We will be at ease for just a minute while I get the proper parliamentary order here.

(The Senate was at ease.)

The PRESIDENT. Senator Nolan has requested a division of the question which the Chair considers in order and now asks that the question be divided and the Senate address itself to that part of the amendments beginning on page 6, Section 2, "The act is amended by adding sections to read: Section 3.1 . . ." following through to the end of the amendment on page 7.

The amendment, as divided, was read by the Clerk as follows:

\* \* \*

Section 2. The act is amended by adding sections to read:

Section 3.1. In order to continually improve the budgetary procedures and functions of the General Assembly, the Budget Secretary shall immediately institute through the Audit and Evaluation Section, on the effective date of this act, a series of program audits. The program audits shall thoroughly examine each program or expenditure to determine the objectives, results and effectiveness of each program. The audit shall also determine the efficiency of the program, the level and effectiveness of management and employee utilization and whether the program is satisfying present needs and demands. The audit shall make recommendations relating to funding, staffing, continuing utilization and cost effectiveness. The detailed reports on each of the program audits shall be submitted to the Governor and the General Assembly for their review. For the fiscal year 1977-1978 the Budget Secretary shall audit the following programs:

The Governor's Council on Drug and Alcohol Abuse.  
Rural Affairs Program in the Department of Agriculture.

Minority Business Development Authority.

The entire General Government Operations Appropriation of the Department of Community Affairs.

The entire General Government Operations Appropriation of the Department of Education.

The school transportation program including hazardous routes and nonpublic school students.

The administrative programs of the Intermediate Units.

The Water Quality Management Program in the Department of Environmental Resources.

Nursing Home Inspection Program in the Department of Health.

Community Services Centers operated by the State Prisons.

The entire program for Youth Development Centers.

The relationship between the County and Community Mental Health Program and the State institutions for mental illness and mental retardation.

The enforcement and administration of the State

sales tax of the Department of Revenue.

Mass Transportation Assistance Program

Section 3.2. The Budget Secretary shall, by January 15, 1978, submit the audit reports to the Governor who shall include the recommendations of the audit reports in the annual budget request submitted to the General Assembly.

Section 3.3. The appropriation Committees of the House of Representatives and the Senate may include and utilize the audit report recommendations in the annual budget or shall issue a detailed report to the members of the General Assembly setting forth the rationale for refusing to accept the recommendations set forth in the audit.

On the question,

Will the Senate agree to the amendment?

Senator TILGHMAN. Mr. President, this section of my amendments that we are now voting on is the exact wording which is in Senate Bill No. 250 before you. There was some confusion as to how it is written and underlined and scored in black in my amendment. I have no intention of cutting it out. I agree with the gentleman from Allegheny, Senator Nolan, to divide the question. I will vote "yes" on the division of the question and this amendment because it is the exact wording which is Senate Bill No. 250 at the present time. In essence, it provides steps that we have had in bills in the past to improve the budgetary process and I would certainly urge everyone to vote in the affirmative.

Senator KELLEY. Mr. President, I am concerned with the comments of the Minority Chairman of the Committee on Appropriations about how it is going to improve the budgetary process on this cursory examination. I do not find in the language here, nor do I find the spirit moving anybody, to embrace or increase and intensify the powers and activities of the Legislative Branch as far as grasping a stronger control of the budgetary process. I do not know that Section 2 directs itself to that at all.

I wonder if the gentleman from Montgomery, Senator Tilghman, could indicate how he believes that would strengthen the budgetary process.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator KELLEY. Mr. President, the language as I read Section 2, in the question which has been divided, indicates that the Budget Director is the one to undertake this series of audits enumerated therein and report the same to the Governor who will incorporate it in the budget request to the General Assembly.

The gentleman commented in his previous remarks that this Section 2 would enhance the budgetary process. I am wondering how he would like to explain that matter to the Members of the Senate. In relationship and contrasting that with his re-



sponsibility as Minority Chairman of the Committee on Appropriations, it seems to me that he and others have talked on the floor innumerable times saying that strengthening the budgetary process must begin and intensify itself here in the Legislative Branch.

Senator TILGHMAN. Mr. President, as I understand the question—I had some difficulty hearing it, I am sorry—it is, how will this improve the budgetary process? Is that the question?

Senator KELLEY. Mr. President, that is correct. The gentleman's parting remarks the last time he had the floor were that this amendment would increase and improve the budgetary process. I am really asking him to elaborate on that, bearing in mind what he and many other Members of this Body have said innumerable times that the legislative process must be improved in the Legislative Branch.

Senator TILGHMAN. I now understand, Mr. President. If the gentleman would read that section of my amendment or read Senate Bill No. 250 which is before him on the desk, it simply states—and this is the part of the question we are now voting on—"In order to continually improve the budgetary procedures and functions of the General Assembly, the Budget Secretary shall immediately institute through the Audit and Evaluation Section . . ." and I will not read on to where it mentions the study of programs and funding and one thing and another. It is pretty succinct to me, Mr. President. Perhaps I am not getting the thrust of the gentleman's question.

Senator KELLEY. Mr. President, perhaps I am at fault in not conveying my interrogatory with any precision. It appears to me that the gentleman from Montgomery, Senator Tilghman, along with many of our colleagues, has, on innumerable occasions, stressed that it was necessary to strengthen the budgetary process but to do so it must be done legislatively. This seems to me to be a 180 degree differential, in fact, increasing an already disproportionate power of the budgetary process in the Executive Branch and not at all directing itself to what the gentleman has said innumerable times. I concur with him, it should be in the Legislative Branch. How does that strengthen the budgetary process when we are intensifying the already inequitable procedure by doing it that way?

Senator TILGHMAN. Mr. President, I know what the question is now. I do not want the gentleman to confuse me with his last clauses and paraphrases.

Mr. President, some months ago I introduced a thirty-six-page bill. Since then I have talked to various Members on the other side of the aisle who would institute a legislative post auditor committee somewhat like the Congressional Budget Office in Washington. We sent a staff member down to talk to the Congressional Budget Office in Washington. I understand a lady oversees the operation of the Congressional spending at the present time and she was mentioned in Time Magazine as having done a fantastic job. I would prefer to have that.

I would prefer to have a legislative post auditor going through zero based budgeting, going through sunset as enumerated in my bill or several other bills. The gentleman from Berks, Senator O'Pake, has some excellent legislation on this and has had some good hearings. I would prefer to have that.

However, having been here for a few years, I realize I cannot swallow the whole pie in one gulp and I nibble away at the edges.

Senator KELLEY. Mr. President, just so I understand the gentleman, what he is offering in his support of Section 2, the divided question, then is not that it is a particular answer to improve the budgetary process; he just feels it is a step better than what we have now but certainly no answer to it. Is that an accurate expression of the gentleman's position, Mr. President?

Senator TILGHMAN. Mr. President, any additional information we receive is better than what we are getting at the present time.

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

Senator O'PAKE. Mr. President, I rise to strongly support this amendment. There are those of us who feel that very substantial changes have got to be accomplished in the way we do things as far as budget-making in Pennsylvania goes. As the gentleman from Montgomery, Senator Tilghman, well pointed out, although our optimum would be something like zero based budgeting or sunset or whatever you want to call a periodic review of State agencies, since it seems we cannot get that and here we have an opportunity to get something which is in the nature of substantial reform, I think we should make a beginning.

I believe that more than those thirteen agencies should be included, but I realize the practicalities of the situation and I think we should make a start.

I believe in answer to the sincere inquiry of the gentleman from Westmoreland, Senator Kelley, that Section 3.3 requires that the Committees on Appropriations of the Senate and House use the data which is compiled in the performance audits and then, if they refuse to accept them and incorporate them into the budget, they have to issue a detailed report to the Members of the General Assembly setting forth the rationale for refusing to accept the recommendations as set forth in the audit.

Mr. President, I think this is a beginning; I think it is commendable. I think the time has come to look at some of the programs on which we are spending millions of dollars, see whether they are working, see the level of efficiency, see how many employees are properly being utilized and how many are excess. Perhaps we can then rearrange priorities and more intelligently decide where to spend the limited amount of dollars that we are going to see in the years to come.

Mr. President, I support the amendment. I do have a question as to why it is necessary because it is already in Senate Bill No. 250 as it appears on the Calendar. However, in either case, I strongly support the concept. We now have a vehicle to begin the process which could be called zero based budgeting. It is an attempt and I hope we can carry it here today.

Senator STAUFFER. Mr. President, I believe regardless of how any individual Member of this Senate feels regarding the budget—the size of it, whether it should be reduced, whether it should be increased, whether we should or should not enact taxes—the important thing is that we do adopt this portion of the amendments of the gentleman from Montgomery, Senator Tilghman, the section that we are going to vote on now. The

provision that this brings to us, to provide program audit, is the first step that we have taken to determine the effectiveness of the programs of State government. This is something that many of us who have been here for a number of years have talked about and dreamed about and encouraged and advocated. At last, here is an opportunity to take that first major step and I think, as I say, regardless of how anyone feels about budget reductions or increases, or whatever, regarding the financial picture, it is important that this portion of these amendments be approved.

Senator KURY. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator KURY. Mr. President, I am a bit confused and I wonder if the gentleman would try to enlighten me?

As I read the bill which we have before us, Printer's No. 1304, on page 4, starting with line 5 through page 5, line 21, the language is identical to that portion of the Tilghman amendments on which we are about to vote.

What I do not understand, Mr. President, is why are we voting on the amendment if it is already in the bill.

The PRESIDENT. Senator, may I comment on that before Senator Tilghman does? Part of the confusion up here is what I view to be a "heads I win, tails you lose," proposition. If the amendment, as it is now before the Senate, passes, the language goes into the bill, if it fails, it stays in the bill.

However, the Parliamentarian points out that if this amendment that is before us now should fall, unless some amendments to the remaining part of the amendments are made, the language would be stricken from the bill.

Senator KURY. Mr. President, please run that by again.

The PRESIDENT. Well, it is somewhat complicated but when amendments are presented to this desk, the first title sheet provides for what sections are deleted.

In the preparation of this amendment, Senator Tilghman, quite properly, provided for the deletion of this language in Senate Bill No. 250 so he could then reinsert it in accordance with what the drafters felt was necessary, since it was made an act rather than a supplemental bill.

The only thing I point out to the Members is that when we consider the rest of the amendments, we had better consider them in light of what happens to the amendment before us now.

Senator KURY. Mr. President, would it not be simpler to strike out on page 1—where the gentleman would delete this language—strike out that deletion provision, the part of the amendments on which we are about to vote, and simply vote on the rest of his amendments?

The PRESIDENT. Senator, there is no question in the mind of the President that that would be more orderly but orderliness has never been the hallmark of the Senate.

Senator KURY. Mr. President, would the gentleman from Montgomery, Senator Tilghman, have any objection to that?

Senator TILGHMAN. Mr. President, I suppose we could have written the amendments in many, many ways. I am a little at a

loss to answer the gentleman's question. The Legislative Reference Bureau wrote it this way. There is some change in going from a supplement to an act and I would have objection at the present time to changing it. I think we are too far down the road here in the last twenty or twenty-five minutes.

I really do not have an answer to the gentleman's question. I would have an objection at the present to doing it. It would necessitate going to the Legislative Reference Bureau to get an amendment and going into a long recess and I do not believe it is necessary at the present time.

Senator KURY. Mr. President, it just seems silly to me to be voting on something which is already in the bill. I think the logical thing to do here would be to agree to strike out the provisions of the amendment which delete the existing language and simply get to what the gentleman is really after with the rest of his amendments.

Senator TILGHMAN: Of course, in reply to that, Mr. President, although it was not a question, I offered the single amendment and I certainly am not going to argue against a colleague, the gentleman from Allegheny, Senator Nolan, when he made the request, to which I agreed, to divide the question. Therefore, we are dividing the question.

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Dougherty, will state it.

Senator DOUGHERTY. Mr. President, the question has not been divided yet?

The PRESIDENT. The question is divided and what is now before us is the specific language as it begins on page 6, Senator.

Senator DOUGHERTY. Thank you, Mr. President, I should have been paying better attention.

Mr. President, I find myself in a somewhat difficult position, but what becomes obvious now is that this good government language as an amendment to the bill, if it is adopted, then blows open the whole budget and we go back to where we were in July and start going through the gamesmanship of amendments to amendments to amendments. I just have to wonder, where does it all end? When do we get to the point where we recognize that governments must function, just like colleges must function? You cannot go back in the middle of the Session and say, "Okay now, we are going to take some dollars away from you that, perhaps, you have already committed."

I would have to oppose the amendment, Mr. President, because it opens the door to a rebattle of what I had hoped was a battle that was over and that was the budget of 1977.

Senator TILGHMAN. Mr. President, if I might just reply to that very briefly, I do not believe we go back to where we were in July, I do not believe we go back to where we were in August. Many, many things have happened since then. Many of us have been on vacation or at home and we have found out from the taxpayers of Pennsylvania that they are opposed to additional taxes. They want some type of restraint on the spending of State government.

Mr. President, I would respectfully disagree with the gentleman from Philadelphia, Senator Dougherty, although I understand his viewpoint. We are not going backward. I think it is a forward, aggressive, progressive step.

Senator KURY. Mr. President, I just want to say I am going to vote "no." I think this is ridiculous. The amendment is already in the bill. We are just playing games here.

Let us get down to the business at hand. Let us get rid of this silly thing and get down to the real business we have before us.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEAS—28

Andrews,	Hager,	Manbeck,	Stapleton,
Bell,	Hess,	Mellow,	Stauffer,
Corman,	Holl,	Nolan,	Stout,
Dwyer,	Hopper,	O'Pake,	Sweeney,
Early,	Howard,	Orlando,	Tilghman,
Fleming,	Jubelirer,	Schaefer,	Wood,
Gekas,	Kusse,	Snyder,	Zemprelli,

#### NAYS—19

Arlene,	Hankins,	Lynch,	Romanelli,
Coppersmith,	Hill,	McKinney,	Ross,
Dougherty,	Kelley,	Messinger,	Scanlon,
Duffield,	Kury,	Murray,	Smith,
Guzenda,	Lewis,	Noszka,	

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

And the question recurring,

Will the Senate agree to the remainder of the divided amendments?

#### REQUEST TO FURTHER DIVIDE QUESTION

Senator KELLEY. Mr. President, I ask for a further division of the question in all those questions preceding that each line item be disposed of separately.

I believe, Mr. President, that those of us who had the feeling as we took to the floor yesterday and spoke of one of our late departed Members and the pride that he had in the institution of the Senate, it seems to me now that, since we did divide the question in the first instance, it is only proper and fitting that we all stand up on each one of these items. The cuts vary from \$50,000 to as much as several million dollars in each line item. They deal with libraries and they deal with gypsy moths.

I believe, Mr. President, the only way for us to truly show our representation is to stand up and say how we go. I ask for a division of the question on each item.

The PRESIDENT. We will be at ease for just a minute.

(The Senate was at ease.)

The PRESIDENT. Senator Kelley requests that we proceed to divide the questions. At his request the first question would appear on page 2, beginning with, "Executive Department To the Governor, For the salaries, wages," et cetera, \$2,100,000 reduced to \$1,958,000.

The amendment, as divided, was read by the Clerk as follows:

#### I. EXECUTIVE DEPARTMENT

To the Governor

For the salaries, wages and all necessary expenses for the following purposes and activities, including the maintenance of the Executive Mansion, the expense of entertainment of official guests and members of the General Assembly and the Judiciary, participation in the Governor's Conference, the expense of the Executive Board, and for the payment of traveling expenses of persons other than employees of the Commonwealth appointed by the Governor to represent or otherwise serve the Commonwealth:

Administration of the Office of the Governor .....	\$2,100,000]
	<u>1,958,000</u>

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, on this issue and subsequent issues, I wonder if we could not facilitate the time and have the chief sponsor of the amendments explain exactly why and how much each cut represents.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator KELLEY. Mr. President, I note that this amendment calls for a reduction in the administration of the Governor's Office in the amount of \$142,000. Would the gentleman care to explain what he foresees this to represent?

Senator TILGHMAN. Mr. President, I have no objection. Essentially what we are going to do for the next bit of time, perhaps several days, will be a line-by-line description of 662 simple items in the budget, which is perfectly all right by me. I do not have any place to go at all. I would only remind my colleagues that when this was attempted in the past, the gentleman from Westmoreland, Senator Kelley, vociferously said we should not do it line by line, that we should do it as a group. However, we will start line by line.

The first item on page 2 of my amendment, Act 11-A, gave \$2,100,000 to the Governor's Office for the general operation of government. My proposal would take the office to last year's level of \$1,958,000, or cut the appropriations in Act 11-A by \$142,000.

Senator KELLEY. Mr. President, if I understand the gentleman's answer, there is nothing specific to be line itemed out or not done by the Governor's Office, but rather just to take it back to last year's level. Is that the purpose of this amendment?

Senator TILGHMAN. That is correct, Mr. President.

Senator KELLEY. I understand that, Mr. President, and I thank the gentleman.

#### PARLIAMENTARY INQUIRY

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

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

Senator HAGER. Mr. President, it is my understanding then

that we are going to be voting on each one of these things and we are not taking a vote on whether or not we are going to divide the question in each one of these instances?

The PRESIDENT. No one raised an objection to dividing the question, Senator.

Senator COPPERSMITH. Mr. President, if I may at this point, I would like to object to dividing the question.

The PRESIDENT. Is it your desire, Senator Kelley, to make a motion to divide the question?

Senator KELLEY. No, Mr. President. I want to invoke the fact that in parliamentary procedure the Chair already accepted it. There was no objection made in timely fashion and, according to the Rules, my request stood. There was no objection made in timely fashion. We have commenced to take this amendment on a line-by-line item basis and those who failed to exercise their right to object—

The PRESIDENT. Senator, I view the objection as very timely. If you would like to make a motion, I will entertain it.

#### MOTION TO FURTHER DIVIDE QUESTION

Senator KELLEY. Mr. President, it is with some dissatisfaction, but I am going to make a motion—and the reason I am going to make a motion is because an objection has been raised where it was not made in the previous instance. I know that many times there are inconsistencies in this Body, but I have never known the inconsistency to flow through the same channel at the same time.

Mr. President, I move that we consider each item separately.

The PRESIDENT. It has been moved by Senator Kelley that the Senate proceed to divide the question on an item-by-item basis.

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—18

Arlene,	Hankins,	McKinney,	Romanelli,
Coppersmith,	Hill,	Messinger,	Ross,
Duffield,	Kelley,	Murray,	Scanlon,
Early,	Lewis,	Noszka,	Stout,
Gurzenda,	Lynch,		

#### NAYS—30

Andrews,	Hess,	Mellow,	Snyder,
Bell,	Holl,	Moore,	Stapleton,
Corman,	Hopper,	Nolan,	Stauffer,
Dougherty,	Howard,	O'Pake,	Sweeney,
Dwyer,	Jubelirer,	Orlando,	Tilghman,
Fleming,	Kury,	Schaefer,	Wood,
Gekas,	Kusse,	Smith,	Zemprelli,
Hager,	Manbeck,		

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

And the question recurring,

Will the Senate agree to the remainder of the divided amendments?

#### MOTION FOR BILL OVER IN ORDER

Senator DUFFIELD. Mr. President, in view of the fact that these amendments were just submitted and we saw them not more than an hour ago and they, in fact, involve a new general budget, I would move at this time that the bill go over in its order so that we can at least have a day or two to digest all these millions of dollars that we are voting on here today and try to justify some reason for the cuts. I think it is rather unfair to throw at us the General Appropriations budget at this time—which amounts to a General Appropriations budget—and have us try to digest it without even a caucus or any deliberations on it.

There are some of these matters on which I would like to vote one way or the other, but now I must either give a blanket yes or no to an amendment that was given to us just a short while ago involving millions of dollars. I do not think it is fair to the Senators and I know that I cannot adequately cast a responsible vote either way on such a matter.

Therefore, Mr. President, I move that the bill, along with the amendments, go over in its order.

The PRESIDENT. Senator, it is difficult to do that. The only way to accomplish what I think you want would be to move to lay the bill on the table inasmuch as we do not move amendments over in their order.

#### MOTION TO LAY BILL ON THE TABLE

Senator DUFFIELD. Mr. President, I move that the amendments be laid on the table with the understanding that they could be taken off the table when we return on Tuesday.

On the question,

Will the Senate agree to the motion?

#### PARLIAMENTARY INQUIRY

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

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

Senator MELLOW. Mr. President, if this motion to lay the particular amendments on the table carries, does that then preclude us from offering additional amendments to this bill?

The PRESIDENT. It would, Senator, because when the amendment is laid on the table the bill is laid on the table with it.

Senator MELLOW. Mr. President, the motion then is actually to lay the bill on the table?

The PRESIDENT. Either way, Senator, but that has been our practice in the past and we have done that very recently, just a few weeks ago. The whole matter would go on the table, Senator.

Senator MELLOW. Mr. President, would it then take a vote of twenty-six Members to call it off the table?

The PRESIDENT. A simple majority, Senator.

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Allegheny, Senator Nolan, will state it.

Senator NOLAN. Mr. President, did I understand the Chair to say that the motion made was to table not only the amendments but the bill?

The PRESIDENT. Yes, Senator.

Senator NOLAN. Mr. President, I would ask my colleagues to oppose the motion of tabling this bill and the amendments at this time. I think now is the time to face up to it and that is why we are here in Harrisburg.

Senator TILGHMAN. Mr. President, if I may, in reply to the gentleman from Fayette, Senator Duffield, these amendments were given to his caucus a day or so ago, or maybe two days, I do not really recall.

I would also like to point out to the membership that the \$30 million of the Motor License Fund and the State Police is a known quantity. We know about that, that has always been there. The \$16 million we are talking about and the difficulty of the gentleman on that figure, we are not adding, we are not changing, we are not deleting, we are simply putting these items in this bill at last year's level.

The PRESIDENT. Senator, I remind you that the motion to lay on the table is not debatable. I think you got your licks in.

Senator TILGHMAN. Mr. President, I will speak on the motion. I object to laying the bill on the table and ask my colleagues to vote in the negative so we can address ourselves to this matter.

Senator MESSINGER. Mr. President, I request my colleagues to vote to table this bill until next week.

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—22

Arlene,	Hill,	Messinger,	Ross,
Coppersmith,	Kelley,	Murray,	Scanlon,
Dougherty,	Kury,	Noszka,	Smith,
Duffield,	Lewis,	O'Pake,	Stout,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,
Hankins,	McKinney,		

#### NAYS—26

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

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

And the question recurring,  
Will the Senate agree to the remainder of the divided amendments?

#### RECESS

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

the Senate for the purpose of holding a Democratic caucus and a Republican caucus pending the call of the Chair.

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

#### AFTER RECESS

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

And the question recurring,

Will the Senate agree to the remainder of the divided amendments introduced by Senator Tilghman?

#### MOTION TO LAY BILL ON THE TABLE

Senator NOLAN. Mr. President, at this time I would like to move to lay the bill and the amendments on the table until Tuesday for further study.

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

(A voice vote having been taken, the question was determined in the affirmative, and the motion was agreed to.)

The PRESIDENT. Senate Bill No. 250, together with the amendments, will be laid on the table.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILL OVER IN ORDER ON FINAL PASSAGE

SB 539 (Pr. No. 1365) — Considered the third time,

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

##### REQUEST FOR BILL OVER IN ORDER

Senator MESSINGER. Mr. President, I request that Senate Bill No. 539 go over in its order.

Senator HOWARD. Mr. President, I object to the bill going over in its order.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

##### MOTION FOR BILL OVER IN ORDER

Senator MESSINGER. I move that Senate Bill No. 539 go over in its order.

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

Senator HOWARD. Mr. President, I rise to urge the Members to oppose putting this bill over any longer. This bill is the product of public hearings, it has been the product of numerous con-

ferences; it is urgently needed to stop a very serious condition in the State. Time is important because as of this morning the problem which this bill is designed to correct has caused the destruction of ten thoroughbred horses in the last forty racing days in our State. Every day this issue is permitted to drag on, more animals are going to die in this fashion. This bill is a major step in the right direction and I think the Senate must address itself to this issue promptly.

I would ask that the Members defeat this effort to longer delay the urgently needed solution to this problem.

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

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

## YEAS—28

Arlene,	Kelley,	Murray,	Scanlon,
Coppersmith,	Kury,	Nolan,	Schaefer,
Duffield,	Lewis,	Noszka,	Smith,
Early,	Lynch,	O'Pake,	Stapleton,
Gurzenda,	McKinney,	Orlando,	Stout,
Hankins,	Mellow,	Romanelli,	Sweeney,
Hill,	Messinger,	Ross,	Zemprelli,

## NAYS—18

Andrews,	Gekas,	Howard,	Moore,
Bell,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stauffer,
Dougherty,	Holl,	Manbeck,	Tilghman,
Fleming,	Hopper,		

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

The PRESIDENT. Senate Bill No. 539 will go over in its order on final passage.

## BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 598 (Pr. No. 1357)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—47

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

## NAYS—1

Snyder,

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 ON THIRD CONSIDERATION AMENDED

**HB 767 (Pr. No. 1582)** — Considered the third time,

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

Amend Sec. 1 (Sec. 102), page 3, line 20 by striking out "SIX-YEAR" and inserting: three-year

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

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

**HB 949 (Pr. No. 2000)** — Considered the third time,

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

Amend Sec. 1 (Sec. 902), page 2, line 4 by striking out "having twenty-five or less shareholders"

Amend Sec. 1 (Sec. 902), page 2, lines 13 and 14 by striking out "having more THAN TWENTY-FIVE shareholders"

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 TILGHMAN.

## BILLS OVER IN ORDER

**SB 1040** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

**SB 1048** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1068 (Pr. No. 1345)** — Considered the third time,

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

Amend Sec. 4, page 3, line 21, by inserting after "SECTION 4.": (a)

Amend Sec. 4, page 3, by inserting between lines 27 and 28:

(b) This section shall not apply in any case where the head of the public agency, in writing, determines that steel products as herein defined are not produced in the United States in sufficient quantities to meet the requirements of the contract.

Amend Sec. 5, page 4, line 4, by inserting after "RE-



COVERABLE": directly from the contractor or sub-contractor who did not comply with section 4

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 third consideration, as amended?

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

Amend Sec. 9, page 5, line 21, by removing the period after "DAYS" and inserting: but shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the effective date of this act.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**SB 1101, 1103, and 1104** — Without objection, the bills were passed over in their order at the request of Senator MES-SINGER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1114 (Pr. No. 1319)** — 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,	Hager,	Lynch,	Ross,
Arlene,	Hankins,	Manbeck,	Scanlon,
Bell,	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,	Wood,
Gurzenda,	Lewis,	Romanelli,	Zemprelli,

#### NAYS—0

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

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

#### BILL OVER IN ORDER

**SB 1116** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1118 (Pr. No. 1323)** — 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,	Hager,	Lynch,	Ross,
Arlene,	Hankins,	Manbeck,	Scanlon,
Bell,	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,	Wood,
Gurzenda,	Lewis,	Romanelli,	Zemprelli,

#### 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 1121** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

**SB 1122 and 1123** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

Senator MOORE. I rise to a point of personal privilege, Mr. President.

The PRESIDENT. You may, Senator, state your point.

Senator MOORE. Mr. President, I am very pleased today to have two very distinguished visitors in the Senate from beautiful Adams County. I rise to request my colleagues and the Chair to extend their usual warm welcome to my guests, Mr. Paul Russell and Claire Russell.

The PRESIDENT. If these guests of Senator Moore would please stand, we would like to welcome them to the Senate of Pennsylvania.

(Applause.)

#### COMMUNICATION 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, communication from His Excellency, the Governor, recalling the following nomination, which was read by the Clerk as follows:



**MEMBER OF THE BOARD OF TRUSTEES OF  
PHILIPSBURG STATE GENERAL HOSPITAL**

October 6, 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 August 24, 1977, for the appointment of the Very Reverend Monsignor Paul D. Panza, 400 South Fourth Street, Philipsburg 16866, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1979, and until his successor is appointed and qualified, vice C. Guy Rudy, Centre Hall, resigned.

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

MILTON J. SHAPP.

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

The PRESIDENT. The nomination 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 BOARD OF ARBITRATION OF CLAIMS**

October 4, 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 Thomas K. Healy, D.D.S., 1108 Eighth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Board of Arbitration of Claims, to serve until July 21, 1983, and until his successor shall be duly appointed and qualified.

MILTON J. SHAPP.

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

September 28, 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 Jeffery A. Hunsicker, R. D. 1, Box 365-A, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a student member of the Board of Trustees of Bloomsburg State College, to serve for a term of three years, or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Miss Janice R. Ellis, Folsom, whose term expired.

MILTON J. SHAPP.

**BRIGADIER GENERAL,  
PENNSYLVANIA NATIONAL GUARD**

October 11, 1977.

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

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Colonel Cornelius O. Baker, 6234 Christian Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Brigadier General, Pennsylvania Army National Guard, to serve until terminated, as Assistant Adjutant General, Headquarters and Headquarters Detachment, Fort Indiantown Gap, vice Brigadier General Clarence D. Bell, Chester, retired.

MILTON J. SHAPP.

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

October 11, 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. Audrey S. Pittman, 1227 South Sixty-first Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January 1983, and until her successor is appointed and qualified, vice Mrs. Bessie Mitchell Collins, Philadelphia, resigned.

MILTON J. SHAPP.

**MEMBER OF THE STATE BOARD OF  
CHIROPRACTIC EXAMINERS**

October 11, 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 Dr. J. R. Friend, 18 West State Street, Albion 16401, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

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

August 24, 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 Carver A. Portlock, 5410 Woodcrest Avenue, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 1979, and until his successor is appointed and qualified, vice Edward H. DaCosta, Radnor, resigned.

MILTON J. SHAPP.

**MEMBER OF THE BOARD OF THE  
PENNSYLVANIA NURSING HOME LOAN AGENCY**

October 6, 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. Maxine T. Segal, 2401 North 53d Street, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of the Pennsylvania Nursing Home Loan Agency, to serve until October 10, 1979, and until her successor is appointed and qualified, vice Rev. William H. Gray, III, Philadelphia, 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?

Senator McKINNEY. Mr. President, I rise in support of the nomination of Cornelius Baker to be Brigadier General of the Pennsylvania National Guard. I have known Colonel Baker for many years. Colonel Baker will be the first black ever to serve in that capacity in the National Guard in the history of this Commonwealth.

Yesterday, Mr. President, I put a copy of Colonel Baker's resume on each Senator's desk. In view of the fact that it is extensive, I would just like to read a few comments out of context.

Colonel Baker rose through the ranks, from 1968, as a second lieutenant in the National Guard to the present date where he serves as a colonel. Mr. President, I am sure that Colonel Baker will serve the people of this Commonwealth well. This is the most significant nomination for a black ever. I am sure he will make all the people in this Commonwealth proud of him in the way he will serve in the next few years.

I have become emotional today because it is such a pleasure for me today and because of the significance of this nomination.

Senator BELL. Mr. President, I likewise endorse the recommendation of the gentleman from Philadelphia, Senator McKinney. Although I do not know the soon-to-become Brigadier General Baker, I did examine his credentials carefully. He has been a field commander; he has been a staff officer on higher staffs; he has completed a command general staff college and he appears to be eminently qualified. My only question is: Why was he not appointed three years ago?

Senator SNYDER. Mr. President, I noted with interest that

the nominee was a native of Appomattox, Virginia. I recall a little verse that might be appropriate and could be adapted here. I think at one of the national conventions at which Ulysses Grant was nominated, the orator who nominated him said:

If asked what state he hails from,

Our sole response shall be,

He hails from Appomattox

And its famous apple tree.

The same could be adapted to the nominee today.

And the question recurring,

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—48

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

### 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.

### NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of Michael J. Manto, as District Justice of the Peace in and for the County of Bucks.

This nomination was previously laid on the table September 27, 1977.

The Clerk read the nomination as follows:

### DISTRICT JUSTICE OF THE PEACE

August 24, 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 Michael J. Manto, 803 Third Avenue, Bristol 19007, Bucks County, Tenth Senatorial District, for appointment as District Justice of the Peace in and for the County of Bucks, Class 1, District 02, to serve until the first Monday of January, 1980, vice John P. Walter, Bristol, 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—48

Andrews,	Hager,	Lynch,	Ross,
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Arlene,	Hankins,	Manbeck,	Scanlon,
Bell,	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,	Wood,
Gurzenda,	Lewis,	Romanelli,	Zemprelli,

#### 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

##### BILLS OVER IN ORDER

**SB 179, 180, 386, 511 and 644** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

##### BILL ON SECOND CONSIDERATION

**SB 672 (Pr. No. 1358)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

##### BILL RECOMMITTED

**SB 678 (Pr. No. 1362)** — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Aging and Youth.

##### BILLS OVER IN ORDER

**HB 748, SB 953, 964, 968, 994, 1001 and 1021** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

##### BILL ON SECOND CONSIDERATION

**SB 1038 (Pr. No. 1218)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

##### BILLS OVER IN ORDER

**SB 1042, 1088 and 1093** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

##### BILL ON SECOND CONSIDERATION

**SB 1113 (Pr. No. 1360)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

**SB 1115** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

#### BILLS ON SECOND CONSIDERATION

**SB 1117 (Pr. No. 1361, and SB 1141 (Pr. No. 1350)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### UNFINISHED BUSINESS

##### REPORTS FROM COMMITTEE

Senator LEWIS, from the Committee on Local Government, rereported, as amended, **HB 594**; reported, as committed, **SB 1152, HB 568, 569 and 571**; as amended, **SB 947**.

#### BILL REREFERRED

Senator LEWIS, from the Committee on Local Government, returned to the Senate **SB 1032**, which was rereferred to the Committee on Judiciary.

#### PERMISSION TO ADDRESS SENATE

Senator O'PAKE asked and obtained unanimous consent to address the Senate.

Senator O'PAKE. Mr. President, I present to the Chair the following resolution and ask unanimous consent in order that it can be adopted today.

Very briefly—this has the consent of both the Majority Leader and the Minority Leader—it merely extends the time for another six months for the report of the Special Senate Committee Investigating Drug Law Enforcement. The report was due in early November. This would extend the time for another six months.

#### SENATE RESOLUTION

##### GRANTING ADDITIONAL SIX MONTHS

##### TO SENATE COMMITTEE INVESTIGATING DRUG LAW ENFORCEMENT

Senators O'PAKE, STAPLETON, SCANLON, MCKINNEY, GEKAS, HOWARD and DOUGHERTY offered the following resolution (**Serial No. 59**), which was read, considered and adopted:

In the Senate, October 19, 1977.

**RESOLVED**, That the last Resolve of Senate Resolution Serial Number 44 relating to the Senate Committee to Investigate Drug Law Enforcement be amended to read:

**RESOLVED**, That the Committee report its findings in [six] twelve months to the Senate together with any recommendations for remedial legislation.

#### 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.

Wilmer T. Harris, Mr. and Mrs. Paul Wetzel, Mr. and Mrs. James E. Cover, Mr. and Mrs. Hoyt C. Mease, Mr. and Mrs. William T. Trump, Mr. and Mrs. Charles Hartman, Mr. and Mrs. Ralph Rineholt, Mr. and Mrs. Austin R. Norris, Mr. and Mrs. Claude Lenhart and to Mr. and Mrs. Ervin E. Brenner by Senator Hess.

Congratulations of the Senate were extended to Mrs. Flora Newton Fredericks, Mr. Walter Everitt, Sr., Mr. and Mrs. Robert M. Trate and to Mr. and Mrs. Max Dawson by Senator Hager.

Congratulations of the Senate were extended to Liz Williams and to Ross Consentino By Senator Ross.

Congratulations of the Senate were extended to Mrs. Evelyn Hess by Senator Sweeney.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Dean Edgar I. King by Senator Hopper and others.

### BILLS ON FIRST CONSIDERATION

Senator LEWIS. 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 947, 959, 1106, 1152, HB 274, 568, 569 and 571.**

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

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

### PETITIONS AND REMONSTRANCES

Senator DUFFIELD. Mr. President, I rise today on a very serious matter. Some two years ago there was a great amount of newspaper publicity concerning some trouble I was in. It was in every newspaper in the State and I suffered certain penalties as a result of that concerning my private law practice.

I appeared before a Select Senate Committee headed by the gentleman from Allegheny, Senator Scanlon, and under oath, and with television, I was required to give my side of what occurred. As a result of that I was penalized. I was removed as chairman of committees and also removed as a member of committees.

Since that time there have been several other varying headlines that were more or less ignored. The other day I came upon an article that was buried on the obituary pages of the Philadelphia Inquirer. I will read a couple paragraphs; I am sure we are all familiar with it.

"Senate Republicans have used state funds, state employees and state facilities for a political poll on next month's Supreme Court election and the 1978 gubernatorial contest.

"The poll was conducted with public funds and resources as-

signed to Senate Republican leader Henry Hager of Williamsport, but Hager, who has considered running for governor, said yesterday that he was unaware of the political nature of the poll."

Throughout the news media today and statewide that figure has gone up to some \$50,000 of taxpayers' money. Now, I am not making any allegations. I know that the gentleman from Lycoming, Senator Hager, has always stood in these Chambers for integrity and he has stood for funding the Crime Commission and so forth so that we have adequate protection—and I cast no disparaging words. What I am saying is this: That the gentleman from Lycoming, Senator Hager, sat on the committee that heard my malfunctions or my misdeeds. I am not condemning that because apparently there was sufficient information to hold such a hearing to uphold the integrity of the Senate.

The only thing I am requesting and suggesting here is that the same committee be empaneled to arrive at the truth or falsity of the accusations leveled here against the Republican Minority Leader and give him an opportunity, before a Senate Ethics Committee, to deny or to explain the charges that have appeared throughout the news media in the Commonwealth of Pennsylvania.

If I were the gentleman, I would request such a hearing and request such an opportunity to explain his side. I realize, as in my instance, newspaper accounts are sometimes wrong. When you get down to the truth of it, it might not be as it looks. However, I contend that such a thing casts more of an aspersion on the Senate of Pennsylvania than the acts which I committed because what I did, or was alleged to have done, involved my own personal law practice with absolutely no insinuation or allegation that the Senate of Pennsylvania was involved by five cents.

These allegations concern money that is appropriated by the Legislature of Pennsylvania to this Body. Oh, it is so odd—I did not want to get up and start this—that in all these two weeks or so nobody has said a word; no action is taken. Nothing is done either to exculpate or condemn. Yet if Bill Duffield does it, he has to come down here, he has to come down here before television cameras, before a select committee of which the gentleman from Lycoming, Senator Hager, is a member and asked to explain, under oath, things involving my private law practice for which I was disbarred or resigned or whatever you want to call it.

Yet there is another class of Senators. I am a second class Senator. There is a class of the untouchables who can get headlines all over the State, involving Senate funds, and everybody shuts up. Nobody says anything. All I am asking for is fairness.

I was afforded the opportunity of a hearing. My family was embarrassed to see it on television. My friends suffered. It will probably defeat me in the next election. Why do we not apply the same principles to others in this Senate as they did to Bill Duffield two years ago next month?

Perhaps I should not speak this way, but put any of yourselves in my position, being a second class Senator, seeing others who came here subsequent to me, being chairmen of committees. Because I was punished by this Body, I could not

even go to a committee meeting for a year or so. I was punished for a figure of around \$10,000, where nobody ever was hurt, involving a personal law practice. I am not asking anything of the committee, to take any particular action. As I said before, the gentleman from Lycoming, Senator Hager, may be purely innocent of any wrongdoing, and I hope to God he is; but, nevertheless, the same news items come out today as came out against Bill Duffield two years ago when I was called here to explain. Probably I should not have done this, but I have been living under this, and seeing accusations made against other Senators, statewide, that if I did the most I was accused of doing, it would look like a pittance compared to what I have heard, not only from Senator Hager, but I see this come up every few months.

I wonder to myself: Here they have me out in the bull pen. I am allowed to vote. I am allowed to sit on committees, but others are accused of nefarious things and they are not even brought before the bar of this Senate to explain.

The only thing I request—and I think the gentleman from Lycoming, Senator Hager, would agree to it—is to treat all Senators with the same sense of responsibility, the same sense of justice and in that way we will have a more respected Body.

I would request that the gentleman publicly make himself available to the committee of the gentleman from Allegheny, Senator Scanlon, to answer these charges which have been leveled against him. That is all I am asking. If he is not willing to do that, then I do not know what can be done. All I am asking in this Senate is to, for God's sake, treat all of us equally, with fairness and justice for all.

Senator HAGER. Mr. President, I think there are a lot of differences between the two situations. I can tell the gentleman what the last week or so has been like. I have an appreciation of what he has gone through, what the gentleman from Allegheny, Senator Zempirelli, has gone through and what a number of other people have gone through. But, I can also tell him that I have already talked with the gentleman from Lehigh, Senator Messinger, and the gentleman from Allegheny, Senator Scanlon, and the gentleman from Luzerne, Senator Murray, and offered, as a matter of fact, to take anybody who wants to go through that operation over there as we have already done with the press.

As a matter of fact, I am willing to explain to anyone and I think, frankly, that anyone who wants the answer should freely ask any questions they may have. If there was something that I felt should be hidden, maybe I would not be willing to take that open position about it. However, I am willing, under almost any forum, in fact, in any forum, to answer any questions or to have that entire operation viewed. I have made that offer to the current Presiding Officer of the Senate and to anyone else. If the Senate wishes to have such a committee, that is fine with me. I would also be very willing to go through it on a one-to-one basis with the gentleman from Fayette, Senator Duffield.

Senator DUFFIELD. Mr. President, is that interpreted to mean that the gentleman from Lycoming, Senator Hager, will not volunteer to appear before an Ethics Committee of this Senate?

Senator HAGER. Mr. President, as I understand it, there is no such committee, but I will appear in front of anybody. I do not have any concern about that.

Senator DUFFIELD. Mr. President, there is such a committee? They formed it in a hurry when Duffield got in trouble. The gentleman from Lycoming, Senator Hager, was on the committee at the time. I can name the members. There is a committee. The Ethics Committee is meeting now to draw up a new code of ethics for this Senate and if the gentleman is now willing to appear before them, that is all right. That is all right with me. They meet tomorrow morning at 9:00 o'clock as I understand it.

The PRESIDING OFFICER. Senator Duffield, do you seek to interrogate Senator Hager?

Senator DUFFIELD. Mr. President, I just made a statement.

Senator STAUFFER. Mr. President, I think there is one important point that should be made regarding the debate which has taken place. That is the fact that, I believe, in the normal use of the terminology that the gentleman from Fayette, Senator Duffield, is incorrect in stating that charges have been made against the gentleman from Lycoming, Senator Hager.

When we speak about charges, I believe we usually speak about some kind of legal accusation. I think it is important to note on the record of the Senate today that what he is referring to is a press story in which the statements were made by a newspaper reporter and nothing more than just that.

Senator DUFFIELD. Mr. President, I will agree with that. If I said any charges, I meant in a broad sense. I meant news media all over the State have made allegations. I should not say "charges."

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE BOARD OF THE PENNSYLVANIA NURSING HOME LOAN AGENCY

October 19, 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 Reverend Dean R. Shetler, 1001-C Roman Knoll Court, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of the Pennsylvania Nursing Home Loan Agency, to serve until October 10, 1980, and until his successor is appointed and qualified.

MILTON J. SHAPP.

#### MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

October 19, 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 Regis J. Kelley, 1725 Jefferson Street, South Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 1979, and until his successor is appointed and qualified, vice Herbert Ratner, Pittsburgh, resigned.

MILTON J. SHAPP.

**COMMONWEALTH TRUSTEES OF UNIVERSITY OF  
PITTSBURGH— OF THE COMMONWEALTH SYSTEM OF  
HIGHER EDUCATION**

October 19, 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 Alfred E. Lawson, Esquire, 1349 Pinewood Drive, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as Commonwealth Trustee of University of Pittsburgh—of the Commonwealth System of Higher Education, to serve until October 5, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

**MEMBER OF THE NORTHAMPTON COUNTY BOARD  
OF ASSISTANCE**

October 19, 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 Marvin Asteak (Democrat), 1152 Bushkill Street, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Northampton County Board of Assistance, to serve until December 31, 1978, and until his successor is duly appointed and qualified, vice Joseph Altimare, Easton, resigned.

MILTON J. SHAPP.

**MEMBER OF THE VENANGO COUNTY BOARD  
OF ASSISTANCE**

October 19, 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. Joanne S. McClanahan (Democrat), 102 Beech Drive, Franklin 16323, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified, vice Mrs. Mary E. Kiefer, terminated.

MILTON J. SHAPP.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**TUESDAY, OCTOBER 25, 1977**

11:00 A.M. INSURANCE (to consider Room 170

Senate Bills No. 581,  
582, 679 and 932)

11:00 A.M. LOCAL GOVERNMENT (to Senate Majority  
consider the nomination Caucus Room  
of Albert Hydeman, Jr.  
for Secretary to the De-  
partment of Community  
Affairs — Public Hearing)

12:30 P.M. AGRICULTURE AND Room 182  
RURAL AFFAIRS (to con-  
sider House Bill No. 1197)

12:00 Noon RULES AND EXECUTIVE Rules Committee  
NOMINATIONS (to con- Conference Room  
sider certain Executive  
Nominations; Senate  
Resolutions No. 39, 56, 57  
and Concurrent Resolu-  
tion No. 211)

**WEDNESDAY, OCTOBER 26, 1977**

9:30 A.M. CONSUMER AFFAIRS (to Senate Majority  
consider House Bills No. Caucus Room  
191 and 1196)

10:00 A.M. STATE GOVERNMENT (to Room 286  
consider the nomination  
of Barton Fields as Secre-  
tary of State)

10:00 A.M. MILITARY AFFAIRS AND Room 168  
AERONAUTICS (to con-  
sider Senate Bill No. 466;  
House Bills No. 884 and  
1190)

10:30 A.M. JUDICIARY (to consider Room 172  
Senate Bill No. 1032 and  
House Bill No. 825)

12:30 P.M. Special Senate Committee Room 168  
(to consider the agenda for  
the October 27, 1977 Pub-  
lic Hearing)

**THURSDAY, OCTOBER 27, 1977**

9:00 A.M. Special Senate Committee to Wm. Penn  
investigate Drug Law En- Auditorium  
forcement — Public Hear-  
ing

**TUESDAY, NOVEMBER 15, 1977**

10:00 A.M. AGING AND YOUTH (to Room 168  
consider Senate Bill No.  
589 and House Bill No.  
1107)

The SECRETARY. I have been asked to announce that on Friday the Governor will submit to the Senate the nomination of Albert L. Hydeman, Jr., as Secretary of Community Affairs.

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**ADJOURNMENT**

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, October 25, 1977, at 1:00 p.m.,

Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:15 p.m., Eastern Daylight Saving Time.