

Legislative Journal

MONDAY, NOVEMBER 14, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 79

SENATE

MONDAY, November 14, 1977.

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

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

PRAYER

The Chaplain, The Reverend GREGORY SWIDERSKI, Pastor of St. Benedict the Moor Church, Pittsburgh, offered the following prayer:

Ladies and gentlemen: As I drove here this morning I remembered a course I had in high school in Pennsylvania History. I saw the awesome mountains of Pennsylvania before me and thought of the people of Pennsylvania; the commuters hastily finding their way in the early morning cold, the hunters who would inhabit these woods soon, the miners who have worked under these hills, the black men of my Parish who cannot find employment; these are the people for whom we labor.

Let us bow our heads in silent prayer as you have gathered to serve them.

Dear God, You have caressed us into being and led us to this day. We are brothers and sisters created in Your image and likeness.

Paul, one of Your servants, wrote that there was neither Jew nor Greek, slave or freeman, all are one.

Whether we are Republican or Democrat, rural or inner city, Pittsburghers or Philadelphians, is not essential. We are to build the unity of humanity and serve honestly and sincerely the people of Pennsylvania. May Your Spirit guide us and challenge us in this humble work before us. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Swiderski who is the guest this week of Senator Romanelli.

JOURNAL APPROVED

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

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

COMMUNICATIONS FROM THE GOVERNOR APPROVAL OF SENATE BILLS

The Secretary of the Governor being introduced, presented

communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 432, 524, 653, 840 and 1102.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF THE CENTRAL YOUTH DEVELOPMENT CENTERS

November 9, 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. Marcia L. Myers, 15 Ardmore Circle, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1979, and until her successor is appointed and qualified, vice Fred Speaker, Esquire, Camp Hill, resigned.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

November 9, 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 Donald W. Howard, Sr., 917 Madison Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1979, and until his successor is appointed and qualified, vice Andrew Zavacky, Forest City, deceased.

MILTON J. SHAPP.

COMMISSIONER OF DEEDS

November 10, 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 Diane Marie Paul, Apartment J-9, Stratford 3120 Naamans Road, Wilmington 19810, New Castle County, Delaware, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania,

with residence in the State of Delaware, for the term of five years, to compute from the date of confirmation.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS, BUCKS COUNTY

November 10, 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 George T. Kelton, Esquire, 51 Rickert Drive, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Seventh Judicial District of Pennsylvania, composed of the County of Bucks, to serve until the first Monday of January, 1978, vice Honorable Lawrence A. Monroe, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

November 10, 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 Samuel L. Kulp, 1718 Hokendauqua Avenue, Northampton 18072, Northampton County, Eighteenth Senatorial District, for appointment as District Justice of the Peace in and for the County of Northampton, Class 2, District 07, to serve until the first Monday of January, 1980, vice Peter Stout, Northampton, deceased.

MILTON J. SHAPP.

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

November 10, 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 James J. Scotilla, 221 Lincoln Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Moe Siegle, Johnstown, deceased.

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

MILTON J. SHAPP.

REORGANIZATION PLAN NO. 3 OF 1977

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

November 14, 1977.

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA:

By the authority vested in me by the Reorganization Act of

1955, Act No. 8 of the General Assembly, approved April 7, 1955, providing for the reorganization of agencies and functions of the State Government subject to the approval or disapproval by the General Assembly, I transmit herewith Reorganization Plan No. 3 of 1977.

In essence this Reorganization Plan transfers to the Department of Education the fiscal responsibility for educational programs in Youth Development Centers and Youth Forestry Camps of the Department of Public Welfare and in State institutions of the Bureau of Correction of the Department of Justice.

Three years ago I directed the Department of Education to become involved in conducting educational programs in the nine State-owned institutions for delinquents and the eight State-owned adult correctional facilities. This Plan unifies the fiscal responsibility with the programmatic responsibility that is already assigned by law to the Department of Education.

For the past several years the General Assembly has, in fact, made appropriations for these educational programs directly to the Department of Education. Therefore, this Plan merely ratifies the status quo concerning the budgetary responsibilities for correctional education. It does not involve the transferring of any State personnel, and for the reasons explained above does not affect existing budgetary items.

I therefore transmit to you and urge your approval of Reorganization Plan No. 3 of 1977.

MILTON J. SHAPP.

REORGANIZATION PLAN NO. 3

Section 1. The power and duty to finance schools and classes established by the Department of Education in Youth Development Centers and Youth Forestry Camps, as set forth in section 1926 of the act of March 10, 1949, (P. L. 30, No. 14), known as the "Public School Code of 1949," are hereby transferred from the Department of Public Welfare to the Department of Education.

Section 2. The power and duty to finance schools and classes established by the Department of Education in State Correctional Institutions, as set forth in section 1926 of the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," are hereby transferred from the Department of Justice to the Department of Education.

Section 3. There are hereby transferred to the Department of Education to be used, employed and expended in connection with the functions, powers and duties transferred by sections 1 and 2 of this Reorganization Plan, personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties.

Section 4. Article XIX of the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," is hereby suspended insofar as it conflicts with this Reorganization Plan.

The PRESIDING OFFICER. This will appear on the Calendar.

COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH

BILL BECOMES LAW WITHOUT GOVERNOR'S SIGNATURE

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

November 5, 1977.

TO THE HONORABLE
ERNEST P. KLINE, PRESIDENT OF THE SENATE

I have this day certified that Senate Bill No. 199, Printer's No. 966, having neither been approved nor disapproved by the Governor within the period prescribed by the Constitution of this Commonwealth has now become law in the manner prescribed by the said Constitution.

BARTON A. FIELDS
Secretary of the Commonwealth

BILLS INTRODUCED AND REFERRED

Senators HANKINS, McKINNEY and DUFFIELD presented to the Chair **SB 1199**, entitled:

An Act amending the act of December 27, 1965 (P. L. 1247, No. 506), entitled "An act relating to the reimbursement or payments for providing and furnishing optometric services in contracts, certificates and policies by various insurance and other companies, and limiting the provisions in relation thereto," further defining insurer and further providing for reimbursement or payments.

Which was committed to the Committee on Insurance.

Senators HANKINS, DUFFIELD, NOLAN, HESS, MELLOW and ANDREWS presented to the Chair **SB 1200**, entitled:

An Act establishing certain procedures relating to the termination of insurance agency contracts or accounts and providing penalties.

Which was committed to the Committee on Insurance.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, November 14, 1977.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 28, 1977 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, November 28, 1977 unless sooner recalled by the Speaker of the House of Representatives.

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

RECESS

Senator MESSINGER. Mr. President, at this time I request a recess of the Senate for the purpose of a Democratic caucus to begin at 2:00 o'clock with the expectation of returning to the floor at 4:00 o'clock.

Senator HAGER. Mr. President, I am reminded that Judge DiSalle has been asked to come to our caucus at 1:30 p.m., so I would ask the Republican Members to come to their caucus room promptly, with the expectation of coming back some time today.

The PRESIDING OFFICER. The Senate will stand in recess until 4:00 o'clock.

AFTER RECESS

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

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

REPORTS FROM COMMITTEE

Senator HILL, by unanimous consent, from the Committee on Judiciary, reported, as committed, **SB 648** and **662**; as amended, **SB 1000**.

RESOLUTION REPORTED FROM COMMITTEE

Senator HILL, by unanimous consent, from the Committee on Judiciary, reported without amendment, Senate Resolution, **Serial No. 57**, entitled:

Senate Committee to review administration of prerelease programs.

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

RECONSIDERATION OF REPORT OF COMMITTEE OF CONFERENCE ON SB 354

BILL PLACED ON CALENDAR

SB 354 (Pr. No. 1380) — Senator SMITH. Mr. President, I move that the Senate do now reconsider the vote by which the Report of Committee of Conference on Senate Bill No. 354, Printer's No. 1380, was defeated on October 25, 1977.

The motion was agreed to.

The **PRESIDENT**. The bill will be placed on the Calendar.

CALENDAR

REPORTS OF COMMITTEES OF CONFERENCE

BILL OVER IN ORDER

SB 355 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

REPORT REJECTED AND BILL OVER IN ORDER TEMPORARILY

SB 770 (Pr. No. 1263) — Senator NOLAN. Mr. President, I move that the Senate reject the Report of Committee of Conference on Senate Bill No. 770, entitled:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1977 to June 30, 1978, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1977.

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—42

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

NAYS—4

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

The PRESIDENT. The Senate now has before it Senate Bill No. 770, Printer's No. 1137.

And the question recurring,

Will the Senate concur in the amendments made by the House?

MOTION TO SUSPEND RULES

Senator NOLAN. Mr. President, I move that the Rules of the Senate be suspended for the purpose of amending the House amendments to Senate Bill No. 770, Printer's No. 1137.

The PRESIDENT. It has been moved by Senator Nolan that the Rules of the Senate be suspended for the purpose of making amendments to Senate Bill No. 770, Printer's No. 1137.

On the question,

Will the Senate agree to the motion?

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

Senator GURZENDA. 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—27

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

NAYS—20

Arlene,	Hill,	McKinney,	Romanelli,
Coppersmith,	Kelley,	Messinger,	Ross,
Dougherty,	Kury,	Murray,	Scanlon,
Duffield,	Lewis,	Noszka,	Smith,
Gurzenda,	Lynch,	Reibman,	Stout,

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

REQUEST FOR BILL OVER IN ORDER TEMPORARILY

Senator NOLAN. Mr. President, I ask that Senate Bill No.

770 go over in its order temporarily.

The PRESIDENT. Without objection, Senate Bill No. 770 will go over in its order temporarily.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 767

HB 767 (Pr. No. 2174) — Senator MESSINGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 767, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 334 (Pr. No. 1301) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 334.

On the question,

Will the Senate agree to the motion?

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

Senator ANDREWS. 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—39

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

NAYS—8

Bell,	Hess,	Schaefer,	Tilghman,
Early,	Hopper,	Snyder,	Wood,

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

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

BILL OVER IN ORDER

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

FINAL PASSAGE CALENDAR

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

HB 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259,

1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1275, 1276, 1279 and 1283 — Senator MESSINGER. Mr. President, I request that House Bills No. 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1275, 1276, 1279, and 1283 go over in their order.

Senator HAGER. Mr. President, I object to these bills going over in their order.

MOTION FOR BILLS OVER IN ORDER

Senator MESSINGER. Mr. President, I move that the bills, which I have previously mentioned, go over in their order.

The PRESIDENT. The Chair cautions everyone the only debatable matter is on the merits of the bills going over, which is a very limited debate, and not the merits of the bill itself.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Cambria, Senator Coppersmith, will state it.

Senator COPPERSMITH. Mr. President, is House Bill No. 1252 and all the bills on pages 3, 4 and up to House Bill No. 1283 on page 5, the bills that are involved in this motion?

The PRESIDENT. That is correct, Senator.

Senator HAGER. Mr. President, just briefly, I wish to state two things: One, we request a roll call vote and two, it is our thought that perhaps the vote on House Bill No. 1252, on whether or not these bills should go over, could apply to all of the bills. We are not interested in wasting a lot of time, Mr. President.

The PRESIDENT. May I suggest, Senator, when we complete the vote on House Bill No. 1252, we will then ask if any Member wishes to say he would have voted differently on any other bill and we will carry it from there.

Senator CORMAN. Mr. President, being new here, I will probably get out of line as to what is permitted and I am sure the Chair will correct me. However, I would like to object very much to these bills going over.

Mr. President, it is important that these institutions do get their money. At this point in time Penn State will have borrowed somewhere between \$300,000 and \$325,000, and I do not know how many dollars would have been borrowed for all the other institutions that will be covered in the remaining bills, but it is one heck of a lot of money. I think many times when we talk about a lot of money, we just think of it as dollars. I have made a list as to some of the things that could have happened with \$300,000 if we would not have waited so long and why they should not go over today but continue to try to work on these bills.

For example: \$300,000 would pay the full tuition of 261 Pennsylvania residents to attend Penn State for three years. It would pay one-half of their total intramural athletic program. It would pay the full salaries of fifty Senators here for four months.

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, can you tell us how far you are going to allow us to debate these bills?

The PRESIDENT. I will allow Senator Corman to continue until someone stands up and raises the question. You have now raised it.

Senator Corman, your debate is certainly not in order. I think you have made your point pretty well and I would suggest that you file the rest of those notes as to what \$300,000 would do under Petitions and Remonstrances.

Senator CORMAN. Mr. President, I have quite a list. Thank you for allowing me to get started on them. I do think they are rather important.

The PRESIDENT. You did more than start, Senator. I allowed you to go pretty far.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—27

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

NAYS—20

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

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

The PRESIDENT. The roll call on House Bill No. 1252 will be applicable to House Bills No. 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1275, 1276, 1279 and 1283, unless any Member wishes to put comments on the record to the contrary.

THIRD CONSIDERATION CALENDAR BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 247 (Pr. No. 2253) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

CONSTITUTIONAL POINT OF ORDER

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

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

Senator NOLAN. Mr. President, at this time I rise to question the constitutionality of House Bill No. 247 being on the Calendar of this Senate. In March of this year I had a bill before this Senate expanding the sales tax to news advertising. At that time a vote was taken in the Senate and it was declared unconstitutional by a vote of 44 to 0 for a tax to begin in the Senate. I am now asking for a roll call vote on whether or not it is constitutional to have House Bill No. 247 on the Calendar at this time for action by the Senate.

The PRESIDENT. Senator Nolan raises a question of constitutionality which, under the Rules of the Senate, the Presiding Officer must present to the Senate for consideration.

The question before the Senate is,

Is House Bill No. 247, Printer's No. 2253 constitutional in its present form?

Senator MESSINGER. Mr. President, I raised this question with Frank P. Garber, the assistant director of the Legislative Reference Bureau and this is the reply:

"You have raised the question as to the constitutionality of the Senate considering and passing House Bill 247 with amendments contained therein which would increase the corporate net income tax and the personal income tax. I imagine that the reason you questioned the constitutionality is that the Senate, by adopting the amendments, would be raising revenue in the Senate.

"Under the provisions of Article 3, Section 10 of the Pennsylvania Constitution, it is provided that all bills for raising revenues shall originate in the House of Representatives, but the Senate may propose amendments, as in other bills.

"The Supreme Court of Pennsylvania in the case of *Mikell v. Philadelphia School District*, 359 Pa. 113 (1948), held that once enacted into law, revenue bills are not subject to objection that they did not originate in the House of Representatives.

"Based upon this Supreme Court decision, it is my opinion that the bill would be constitutional if enacted."

Referring back to Senate Bill No. 538, which, on March 29, 1977, was decided to be unconstitutional by a vote of 44 to 0, you will find that this is a new tax, the title of which was providing for the imposition of a tax on commercial advertising, imposing additional powers and duties on the Department of Revenue, providing for the disposition of the tax and imposing penalties for violation. This act, had it become effective, would have been cited as the commercial advertisement tax act.

Mr. President, that was a new tax and, therefore, a different question than that which is before us today.

Senator BELL. Mr. President, I challenge the legal opinion of the Legislative Reference Bureau. What the learned attorney for that Bureau did not do was, he did not read the case carefully. I happen to have *Mikell versus the Philadelphia School District*, 359 Pa. 113, in front of me. This case was decided a number of years ago and, according to the case itself, it dealt with a tax imposed in 1947 which was a personal property tax upon the residents of a first class school district for public school purposes.

The case then states, "To qualify as a bill within the purview of Article III, Section 14 of the Pennsylvania Constitution, the revenue derived from the tax imposed should be recoverable into the treasury of the exacting sovereign for its own general governmental uses." In plain English, the case of *Mikell versus Philadelphia School District* was not a State tax imposed for the purposes of the treasury of the Commonwealth of Pennsylvania.

What the Majority Leader is quoting is what is known as dicta, which is not the holding of the case. This case in turn was based on an earlier case, the *Kilgore versus Magee* case, of almost a hundred years ago. What we are to determine today by the vote on this floor is what seven living and existing Justices of the Supreme Court will rule on the case, on its merits, a case never before submitted on the merits of the court.

I am also going to say this, Mr. President: Those of you who vote to initiate revenue measures in the Senate of Pennsylvania should tread with caution, because you might have a very nice little baby returned to you. You might pass it if you have your ducks in a row and then have it returned to you because you did not follow the Constitution of Pennsylvania.

At the very best the Majority Leader knows that the law on this subject is in the grey zone. It is not black and white. Again I say what the Court said in the *Mikell versus Philadelphia School District* case was only dicta.

Senator NOLAN. Mr. President, I think the Constitution of the Commonwealth of Pennsylvania is very clear that we can amend a tax bill or a revenue raising bill in the Senate once it is sent here from the House. If we go back to House Bill No. 247, Printer's No. 2252, there is no revenue whatsoever being raised in that bill. That bill was completely gutted and in its place was inserted a revenue raising bill. Therefore, under the Constitution of this State, it is unconstitutional because we are not amending a revenue bill to raise revenues. We have completely gutted a bill that came from the House.

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

Senator LEWIS. Mr. President, the debate held some months ago with regard to Senate Bill No. 538 is printed in the Journal. I think copies of it were distributed by the gentleman from Montgomery, Senator Tilghman, last week. I hope the Members still have those copies in front of them. They will note that I spoke at length on that occasion with regard to the question of constitutionality, rising at that time in support of the motion of the gentleman from Allegheny, Senator Nolan, that the bill be declared unconstitutional. In my lengthy remarks, time and time again, I made reference to that bill as it was presently drafted because it was clear to me, from a lengthy endeavor in researching this question, there are a number of distinctions that must be carefully considered when weighing the question of constitutionality. I think that most of those have been touched upon here today in a very general sense.

Mr. President, we have, in one instance, the question of the place of origin of a bill itself and that is, whether it is a Senate bill or a House bill. We have, as a separate question, whether or not the bill, regardless of where it originates, is intended to amend an existing tax act or to create a new tax act. I think the issue before us does not touch upon any of those items because,

in the first instance, we have a House bill, not a Senate bill, and in the second instance, we are not proposing to create a new tax. In fact, what we are proposing in this bill is simply an expansion of the amount of tax. There is not even a reference to any new subject. Therefore, the issue before us today, Mr. President, is really the question of whether the Senate has the authority to amend a House bill in the fashion in which we currently see this issue before us.

The gentleman from Delaware, Senator Bell, made reference to the Mikell case and observed appropriately that the Court's decision there was dictum. Again I would like to direct his reference to the Legislative Journal when I made my comments about the Mikell case and then he will see the conclusions which I reached there specifically refer to the Court's decision as it applies in this instance as being dictum. Therefore, I think he and I, in that respect, are on the same wave length.

However, Mr. President, I would like to further direct the attention of the gentleman from Delaware, Senator Bell, to the bottom of page 122 and continuing on page 123 of the law book which I noted he had before him, in which the Court, after identifying the appropriate constitutional provision—at that time, by the way, it happened to be Article III, Section 14. It is currently Article III, Section 10, but the language, nevertheless, is identical. The Court went on to say that, indeed, a further clause of the same Article and Section expressly confirms the Senate's own important function and discretion in the due enactment of revenue legislation, specifically, and they quote, "... the Senate may propose amendments as in other bills."

The Court, Mr. President, goes on to say that in pursuance of its appropriate power in such regard, the Senate may amend a House revenue bill even to the extent of striking out everything following the enacting clause and substituting therefor a bill of its own creation.

Mr. President, we are not talking about the question of what constitutes a revenue raising bill, which was the initial issue in the Mikell case—I agree with the gentleman about that—we are now talking about the authority of the Senate to amend a House bill.

I think in practice, by custom of this Senate and, certainly, in the Mikell case which, to the best of my knowledge, is the only one that even discusses this point, we are clearly on all fours.

Mr. President, I think that the bill is, in my opinion and without doubt, constitutional and, therefore, I would encourage my colleagues to vote against the request that it be declared otherwise.

Senator BELL. Mr. President, the gentleman from Bucks, Senator Lewis, is referring to a quote from Kilgore versus Magee, 85 Pa. 401, which I think was around the time of the Civil War. I would like to remind the gentleman from Bucks, Senator Lewis, that there was a thing called "Watergate" which happened in this country. Following Watergate, people started to read and follow laws. I suggest that a different Supreme Court sits in Pennsylvania today and also I suggest they will read the living document and not the dead case law, and some of the Members ready to vote for this bill will be unpleasantly surprised.

And the question recurring,

Is House Bill No. 247, Printer's No. 2253 constitutional in its present form?

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

YEAS—30

Andrews,	Hager,	Lynch,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Coppersmith,	Hill,	Messinger,	Scanlon,
Corman,	Howard,	Moore,	Smith,
Dougherty,	Jubelirer,	Murray,	Snyder,
Dwyer,	Kelley,	Noszka,	Stauffer,
Fleming,	Kusse,	Reibman,	Wood,
Gurzenda,	Lewis,		

NAYS—18

Bell,	Holl,	Nolan,	Stapleton,
Duffield,	Hopper,	O'Pake,	Stout,
Early,	Kury,	Orlando,	Sweeney,
Gekas,	Manbeck,	Schaefer,	Tilghman,
Hess,	Mellow,		

So the question was determined in the affirmative, and the bill is currently constitutional in its present form.

And the question recurring,

Will the Senate agree to the bill on third consideration?

AMENDMENTS OFFERED

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

Amend Title, page 1, line 13, by striking out "INCREASING THE RATE OF THE PERSONAL INCOME TAX;"

Amend Bill, page 4, lines 1 through 25, by striking out all of said lines

Amend Sec. 3, page 4, line 26, by striking out "3" and inserting: 1

Amend Sec. 3, page 4, line 26, by striking out "OF THE ACT," and inserting: , act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971."

Amend Sec. 4, page 6, line 13, by striking out "4" and inserting: 2

Amend Sec. 5, page 6, line 23, by striking out "5" and inserting: 3

Amend Sec. 6, page 8, line 12, by striking out "6" and inserting: 4

Amend Sec. 7, page 12, line 2, by striking out "7" and inserting: 5

Amend Sec. 8, page 12, line 8, by striking out "8" and inserting: 6

Amend Sec. 8, page 12, lines 11 through 13, by striking out all of lines 11 and 12 and "(2)" in line 13 and inserting: (1)

Amend Sec. 8, page 12, line 16, by striking out "(3)" and inserting: (2)

Amend Sec. 8, page 12, line 18, by striking out "(4)" and inserting: (3)

On the question,

Will the Senate agree to the amendments?

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 5:15 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 5:15 p.m., Eastern Standard Time.

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 amendments?

AMENDMENTS WITHDRAWN

Senator HAGER. Mr. President, I would like to withdraw the amendments which I offered.

The PRESIDENT. Without objection, Senator Hager withdraws his amendments.

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

REQUEST FOR BILL OVER IN ORDER TEMPORARILY

Senator MESSINGER. Mr. President, I understand the gentleman from Allegheny, Senator Nolan, is having amendments prepared to House Bill No. 247. Therefore, at this time, I request that we go over the bill temporarily.

The PRESIDENT. We will go over House Bill No. 247 temporarily.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 179 (Pr. No. 1392) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

Dwyer, Kelley, Lewis,

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 REREFERRED

SB 581 (Pr. No. 611) and SB 582 (Pr. No. 1411) — Upon motion of Senator MESSINGER, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 672 (Pr. No. 1432) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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

SB 1021 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SB 1032 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL RECOMMITTED

SB 1040 (Pr. No. 1407) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on State Government.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1048 (Pr. No. 1433) — 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—28

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

NAYS—20

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

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

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

BILLS RECOMMITTED

SB 1101 (Pr. No. 1299) — Senator MESSINGER. Mr. President, I move that Senate Bill No. 1101 be recommitted to the Committee on Judiciary.

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

Senator GEKAS. Mr. President, I oppose the recommitment of this legislation. The Committee on Judiciary fully developed, discussed and debated this piece of legislation and referred it to the floor of the Senate. It is technically in good shape. The merits of the bill are well understood. There is no reason to recommit that has so far come to light.

Mr. President, I ask for a roll call vote on the recommitment and ask everyone to vote against recommitment. This is an anti-looting bill, the structure of which is designed to—

The PRESIDENT. Senator, I must caution you that the merits of the bill are not debatable, only the reason for recommitment.

Senator GEKAS. That is the first time I ever heard that, Mr. President. I ask for a negative vote.

The PRESIDENT. You were not listening earlier in the day. I was more generous with the gentleman from Centre County.

Senator COPPERSMITH. Mr. President, I think this bill is not technically perfect, contrary to what the gentleman from Dauphin, Senator Gekas, said. It does not deal with the situation before the state of emergency is declared, but only after the disaster has occurred, which really is the time when the greatest danger happens. I would hope the Committee on Judiciary would check into this hiatus in the bill so that the situation can be covered and the penalties imposed by the bill would apply to that time period.

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

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

Senator MESSINGER. Mr. President, Senator Lewis had to leave the floor temporarily and asked me to vote him. I would like to vote him "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—26

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

NAYS—22

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

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

The PRESIDENT. Senate Bill No. 1101 is recommitted to the Committee on Judiciary.

SB 1103 (Pr. No. 1347) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Consumer Affairs.

BILL REFERRED

SB 1104 (Pr. No. 1434) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION, DEFEATED
ON FINAL PASSAGE

SB 1116 (Pr. No. 1408) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, in many of our smaller boroughs and townships, particularly in rural areas, the local police are supplemented on many occasions by the Pennsylvania State Police. This occurs particularly in areas where major highways run through these townships or small boroughs.

Traditionally the law has provided that the fines for enumerated summary offenses would go to the municipality in which the prosecution took place and in which the offense was committed. The legislation before us proposes that if the prosecuting officer is a member of the Pennsylvania State Police, the fines would go to the Commonwealth.

I submit, Mr. President, that this piece of legislation should be defeated because it would have the effect of taking revenue away from our local municipalities, revenue they count upon for their budgets, the same as we count upon various revenue measures for the Commonwealth budget.

Mr. President, I think it is unfair to take away this source of

income when these smaller municipalities are being supplemented by the Pennsylvania State Police and I would suggest that the Members vote against this legislation.

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

Senator KURY. Mr. President, I would like to join the gentleman from Chester, Senator Stauffer, in opposing this bill. I think it would adversely affect many of the municipalities in my Senatorial District, in Columbia, Montour, Union and Northumberland Counties, particularly, where the Keystone Shortway and other major highways produce some revenue on which these municipalities rely. I think this bill would have an unfair effect on them and I believe we should defeat this bill for that reason.

Senator BELL. Mr. President, I would also appeal to the Senators to vote against this bill. I have, in my District, four townships and two boroughs which have no police except the State Police. These are the more rural type of municipalities and this bill is merely taking money from our home municipalities and putting it in the General Fund.

I would suggest to all the Senators representing rural areas that must rely on the State Police they will be robbing their home municipalities if they vote for this bill.

And the question, recurring,
Shall the bill pass finally?

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

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

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

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

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

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

YEAS—6

Arlene,	Hill,	Lynch,	Smith,
Hankins,	Kelley,		

NAYS—41

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1117 (Pr. No. 1435) — Considered the third time and

agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

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 1123 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SB 1141 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL RECOMMITTED

SB 1152 (Pr. No. 1371) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Local Government.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 84 (Pr. No. 94) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS REREFERRED

SB 180 (Pr. No. 182) and HB 191 (Pr. No. 2223) — Upon motion of Senator MESSINGER, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 274 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SB 386 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL REREFERRED

SB 466 (Pr. No. 481) — Upon motion of Senator MES-

SINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 511 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

HB 568 (Pr. No. 898) and **HB 569 (Pr. No. 899)** — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 585 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 594 (Pr. No. 2169) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 644 (Pr. No. 1386) Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 679 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 748 (Pr. No. 839) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 825 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL REREFERRED

HB 884 (Pr. No. 1557) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 947 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 953 (Pr. No. 1059) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 959 (Pr. No. 1065) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.
Upon motion of Senator MESSINGER, and agreed to, the bill

just considered was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 964 (Pr. No. 1436) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 968 (Pr. No. 1080) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 12), page 1, line 19; page 2, lines 1 through 3 by striking out "for the month of July to the" in line 19, page 1, all of lines 1 through 3, page 2 and inserting: subject to any amendments the General Assembly may approve.

On the question,

Will the Senate agree to the amendment?

Senator MESSINGER. 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 MESSINGER. Mr. President, I would ask, since we did not have this discussion in our caucus, that the gentleman explain the intent of his amendment.

Senator STAUFFER. Mr. President, I might say for the benefit of the Members I had discussed this amendment with the prime sponsor of the bill, the gentleman from Lackawanna, Senator Mellow, and he was agreeable to the language.

Under the bill as it is currently before us, it provides that if a budget is not approved by the General Assembly by July 1 of each year, that the budget of the preceding year would remain in effect until a new General Appropriations bill is approved. My amendment changes that slightly and proposes that if a budget is not approved by July 1, the budget of the preceding year would remain in effect subject to amendment by the General Assembly. This would mean that we would not have to enact an entire new General Appropriations bill, but that we could amend where the majority of the Members of the General Assembly approve changes in the budget which was carried over.

Senator KURY. Mr. President, I am going to oppose the amendment because I think it represents an abdication of this Legislature's responsibility. Our greatest constitutional authority is to pass a budget. It is the greatest weapon we have in dealing with the Executive Branch of government and I believe this type of amendment and this type of legislation is throwing that away. There is no substitute for us facing up to our responsibility of passing a budget every year.

Mr. President, I believe this is a step away from our great constitutional responsibility and something we should not take very lightly.

Senator STAUFFER. Mr. President, I believe the argument presented by the gentleman is, perhaps, better directed toward the bill rather than toward my amendment, because the bill, itself, addresses the issue of the failure of the General Assembly to enact a budget.

The reason for the change in language which I propose is so that we, as Members of the General Assembly, will have the opportunity to consider on a program-by-program basis any changes which are going to be made in the budget which would be carried over. Therefore, rather than abdicating our responsibility, I would suggest it would give us a better opportunity to fully exercise our responsibility, because instead of having it presented to us at some late date, after the July 1 deadline has passed, a new budget in which we have to take the bad with the good—and we know that this happened so many times—we will have the opportunity to consider any changes on an individual basis. Therefore, we will be able to consider program by program whether it is desirable to make the change we are considering and not be forced to take the bad in order to get the good to which we all agreed.

Senator KURY. Mr. President, I say with all due respect to my good friend, the gentleman from Chester, Senator Stauffer, that we have that opportunity all year. The Governor is not the one to blame for the late submission of a budget. We have the opportunity to make all the changes we want when the budget is presented to us. We have plenty of time, we have nobody to blame but ourselves.

Senator TILGHMAN. Mr. President, I support the bill and I support the amendment. Eventually the General Assembly of Pennsylvania is going to have a legislative budget office, as they have had in Washington for the last few years. We are going to have an office to help us with the budget—the public is going to demand it—and it is going to be staffed by competent people on a nonpolitical basis, if that is possible, and it will be working twelve months a year to advise us.

Mr. President, the amendment to this bill is a step toward a legislative budget office.

Senator MELLOW. Mr. President, as both the prime sponsor of the bill and one who has been very interested in budgetary happenings over the past eight to ten months, I rise in support of the amendment. I feel the bill in its final passage is the proper type of legislation that we need and I think the correction made here by the gentleman from Chester, Senator Stauffer, through the amendment, will add to the merit of the bill. Therefore, I would ask for support of the amendment.

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

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

Senator STAUFFER. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman explain the distinction of the bill passing with or without his amendment? As I understand it, it is, in effect, a nullity because you are still going to be amending the General Appropriations bill. May I be more succinct, Mr. President, in addressing this question to the author of the amendment?

If the amendment carries does it mean that when the General Assembly fails to pass a budget on July 1, any amendments

thereto would have to be on an item-by-item basis rather than one general, collective, piece of legislation affecting the entire General Appropriations budget?

Senator STAUFFER. Mr. President, the gentleman has asked two questions. In response to the first question, it is not a nullity. The difference between the bill in its original form and with the amendment is this: The bill in its original form proposes that we would carry over the preceding year's budget, much like a continuing stopgap, and then we would have the obligation to, at some point, enact a new General Appropriations bill merely using the previous one as a stopgap.

The amendment would propose that when we fail to adopt a budget, the preceding year's budget would become the budget for the new fiscal year, subject to amendment. Those amendments could take whatever form we were agreeable toward having them. We could have one bill which might contain a number of amendments, as the gentleman proposes, or we could have a bill which would propose a single amendment.

Senator KELLEY. I thank the gentleman, Mr. President. I concur with the amendment.

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—40

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

NAYS—7

Duffield,	Messinger,	Reibman,	Scanlon,
Kury,	Noszka,	Romanelli,	

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

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

SB 1001 (Pr. No. 1156) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1059 and 1085 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

SB 1088 (Pr. No. 1286) — The bill was considered.
On the question,
Will the Senate agree to the bill on second consideration?

AMENDMENT OFFERED

Senator STAUFFER offered the following amendment:

Amend Sec. 2 (§ 3), page 3, line 10, by striking out
"the General Assembly." and inserting: this section
for the filling of vacancies in judicial offices.

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

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

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

Senator STAUFFER. I will, Mr. President.

Senator HILL. Mr. President, I ask the gentleman if he would mind explaining what the amendment does.

Senator STAUFFER. Mr. President, this is the same amendment that this Senate inserted into a previous bill. I am frank to admit that I forget the number of the bill. It was the bill dealing with the same subject and it restores the confirmation process for the appointment of members of the judiciary.

If the gentleman will recall, we previously had the same provision in the bill which allowed the possibility that we could eliminate the confirmation process. The amendment does exactly the same thing as we did in the previous bill.

Senator NOLAN. Mr. President, the bill referred to by the gentleman from Chester, Senator Stauffer, is Senate Bill No. 1021, I believe. We went over that and I missed it. I have an amendment which will take this wording out of Senate Bill No. 1021, and I would ask the Members on the floor to oppose the amendment of the gentleman from Chester, Senator Stauffer, to Senate Bill No. 1088.

AMENDMENT WITHDRAWN

Senator STAUFFER. Mr. President, I will withdraw the amendment to Senate Bill No. 1088 at this time and request that the bill go over in its order.

Senator HILL. Mr. President, I would like to oppose Senate Bill No. 1088 going over in its order.

Senator STAUFFER. Mr. President, with the recognition that the bill could be amended on third consideration, I have no objection to it going over in its order with the understanding that the amendment could be offered.

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

SB 1093 (Pr. No. 1291) and SB 1115 (Pr. No. 1384) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 1190 (Pr. No. 2082) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1196 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 1197 (Pr. No. 1598) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

SENATE CONCURRENT RESOLUTION,
SERIAL NO. 214, CALLED UP

Senator MESSINGER, without objection, called up from page 16 of the Calendar, Senate Concurrent Resolution, Serial No. 214, entitled:

Memorializing Congress and the President to maintain specialty steel import limitations.

On the question,
Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION,
SERIAL NO. 214, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 214.

The motion was agreed to and the resolution was adopted.

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

HB 247 CALLED UP

HB 247 (Pr. No. 2253) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar by Senator MESSINGER.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON
THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

HB 247 (Pr. No. 2253) — And the question recurring,
Will the Senate agree to the bill on third consideration?

NOLAN AMENDMENTS

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

Amend Title, page 1, line 12 by inserting after "taxes.": imposing the sales tax on commercial advertising,

Amend Bill, page 3, by inserting after line 30:

Section 1. Clause (m) of section 201, act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," amended August 31, 1971 (P. L. 362, No. 93), is amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
* * *

(m) "Tangible personal property." Corporeal personal property including, but not limited to, commercial advertising, goods, wares, merchandise, steam and natural and manufactured and bottled gas for non-residential use, electricity for non-residential use, intrastate telephone and telegraph service for non-residential use, spiritous or vinous liquor and malt or brewed beverages and soft drinks; but the term shall not include household supplies purchased at retail establishments for residential consumption, including but not limited to, soaps, detergents, cleaning and polishing preparations, paper goods, household wrapping supplies and items of similar nature, or sanitary napkins, tampons or similar items used for feminine hygiene. Nor shall said term include steam, natural and manufactured and bottled gas, fuel oil, electricity or intrastate telephone or telegraph service when purchased directly by the user thereof solely for his own residential use.

* * *

Section 2. Section 201 of the act is amended by adding a clause to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(m.1) "Commercial advertisement." Any notification designed in a manner to attract public attention to an exchange or a proposed exchange of goods, services, productions or property of any kind. The term includes notification by means of publication of handbills, signs, billboards, sound trucks, radio, television, newspapers, newspaper supplements and other printed materials for which a charge is made for the publication of the notice. The term "commercial advertisement" shall not include any notices required by the laws of the Commonwealth of Pennsylvania.

* * *

Amend Sec. 1, page 4, line 1 by striking out "1." and inserting: 3.

Amend Sec. 1, page 4, lines 1 and 2 by striking out "OF MARCH 4, 1971 (P. L. 6, NO. 2), KNOWN AS THE 'TAX REFORM CODE OF 1971,'" and inserting a comma

Amend Sec. 2, page 4, line 15 by striking out "2." and inserting: 4.

Amend Sec. 3, page 4, line 26 by striking out "3." and inserting: 5.

Amend Sec. 4, page 6, line 13 by striking out "4." and inserting: 6.

Amend Sec. 5, page 6, line 23 by striking out "5." and inserting: 7.

Amend Sec. 6, page 8, line 12 by striking out "6." and inserting: 8.

Amend Sec. 7, page 12, line 2 by striking out "7." and inserting: 9.

Amend Sec. 8, page 12, line 8 by striking out "8." and inserting: 10.

The PRESIDING OFFICER (James R. Kelley) in the Chair.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, the proposal I have just offered is an extension of the sales tax to the commercial advertising field. Since we are in need of \$300 million, it is estimated

that this will raise \$100 million.

Mr. President, I ask for the adoption of the amendments and a roll call vote.

Senator HAGER. Mr. President, I guess we all recognize that this is a reprise of a fight we had sometime ago. It seems to me this raises two very serious issues: Number one, everyone will recall, I think, the atmosphere under which this tax first hit the floor of the Senate, having to do with a personal quarrel between a Member of the Senate and the press. This was a retaliatory tax in nature and it remains such. It raises a serious question of taxing the freedom of the press and it is a direct attack upon that.

There then is another issue which I think was raised at that time and probably should be raised again. That is, the absolute unenforceability of this tax as it applies to nonresidents of this State, people who are advertising in this State, people who are sending in, for instance, Time Magazine, Newsweek and any of the other magazines as well as those newspapers which are delivered in this State every day but are printed out of state.

It seems to me what the amendments really do is increase the cost of the news as it comes to every household in this Commonwealth and, at the same time, it increases the cost of doing business in this State as opposed to those persons who are trying to do business from outside this State. I believe it is a very bad idea and I would ask that everybody oppose these amendments.

Senator NOLAN. Mr. President, the argument that the magazines and so forth coming into this State would be hard to police does not hold water. We have many items coming into this Commonwealth, hardware and so forth, on which we are paying a sales tax at the present time. Therefore, that is a very weak argument.

As far as raising the price of newspapers to the general public, they go up and up and we have nothing to say about it. I remember when I used to sell them for a penny apiece; they are now fifty cents on Sundays, so we have nothing to say as to the price of these newspapers. Therefore, I do not think that is a valid argument.

The fact remains that we are looking for \$300 million in order to finance a budget that was passed in August and to finance the universities of this Commonwealth. One of the taxes available to us at the present time which would have the least impact on the people of this State and the wage earners of this State would be a tax on commercial advertising. Because of that I have introduced these amendments.

There was also a remark made that there was a bill introduced in the past to get even in some sort of way with the newspapers for some of the things they had printed. I think the gentleman was referring to me. I am sure if that part is true, then I can say, without fear of contradiction, that the reason the gentleman is opposed to it at the present time is because he is looking for the support of the newspapers in his run for the governorship of this Commonwealth.

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

Senator BELL. Mr. President, I can assure the gentleman that I am not a candidate for the Governor of this Commonwealth. The last time I ran for reelection I had every newspaper

against me and I still think it is a lousy idea.

Senator HAGER. Mr. President, on the last issue raised by the gentleman from Allegheny, Senator Nolan, I want to assure him I am going to respond to that. However, I really ask the question of the Senate: How in the world can we enforce a tax upon an ad placed in the newspaper in New York or Ohio or some other place which finds its way into the State; or tax a radio or television station in Cleveland or in Chicago, for that matter, which, because of the skip, finds its way into Pennsylvania at night? Why not, if you are an advertiser who is interested in making an impact upon western Pennsylvania, advertise on radio or television in a market which, under ordinary atmospheric conditions, will not reach Pennsylvania, but every night it does? Why entice advertising out?

On the other issue raised by the gentleman from Allegheny, Senator Nolan: If I am a candidate for Governor, he has given me another reason; I am going to be, at that point, advertising on radio, television and newspapers, and I do not want to pay any six per cent tax on it. I feel that anybody else who, like myself, might become a candidate should not have to do that either.

Senator McKINNEY. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Bell.

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

Senator BELL. I will, Mr. President.

Senator McKINNEY. Mr. President, did I understand the gentleman to say that he is not a candidate for Governor?

Senator BELL. Mr. President, I have not been until today, but if the gentleman will back me, I will be.

Senator McKINNEY. Mr. President, I would like to further ask the gentleman if he is drafted, will he run, and if elected, will he serve?

Senator BELL. Mr. President, I do not think I could afford to with this low salary given to the Governor.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—3

Duffield,	Hill,	Nolan,
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NAYS—45

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

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?

REQUEST TO DIVIDE QUESTION

Senator NOLAN. Mr. President, I rise to divide the question in the bill. I would like to separate Section 302 of the bill, the imposition of the tax which calls for a 2.3 per cent tax on the income of the people of this Commonwealth, from the corporate net income tax.

Mr. President, I ask that a separate roll call be taken on the 2.3 per cent income tax and also a separate roll call on the 1.5 per cent change in corporate net income tax.

The PRESIDING OFFICER. The Senate will be at ease for a moment.

(The Senate was at ease.)

The PRESIDING OFFICER. On the question of the division of the question as requested by the gentleman from Allegheny County, Senator Nolan, it is the ruling of the Chair that the question cannot be divided on the basis that the constitutional requirements of the consideration of bills by any house of the General Assembly is that only one issue and subject may be dealt therein. Therefore, it is the opinion of the Chair that there is only one subject in this bill and the question cannot be divided.

RULING OF CHAIR APPEALED

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

The PRESIDING OFFICER. The ruling of the Chair has been appealed by Senator Nolan. The decision of the Chair is that the question may not be divided or separated in the issue of House Bill No. 247 because of the constitutional requirement that only one subject may be dealt with in the process of legislation by either house of the General Assembly.

The Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. The Chair feels a further explanation of the ruling is in order. That is, the axiom of not being able to do indirectly what one can do directly applies in this case.

The proper procedure under the rules of parliamentary activity is that the goal that Senator Nolan or any Member would achieve by the division of the question can be made in the parliamentary process of amendment. Therefore, the ruling of the Chair stands as it has been made.

POINT OF ORDER

Senator BELL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, I suggest that the Chair is out of order in debating any issue.

The PRESIDING OFFICER. The point of order made by the gentleman is well taken. If the Chair is or has been out of order, it apologizes to the Body. The Chair feels it was discharging its duty in making an explanation as called for by all rules of parliamentary procedure.

Senator COPPERSMITH. Mr. President, I must say that I feel most honored to rise in defense of the ruling of the Chair. I think the Chair is entitled to explain its ruling and, secondly, the ruling itself is quite proper since any tax bill is necessarily interrelated and the different sections may not be divided because they have a direct relationship, not an indirect relationship, with one another.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Nolan, will state it.

Senator NOLAN. Mr. President, on Senate Bill No. 250, why did the Chair permit a division of the question and on this bill we have a ruling against the division of the question?

The PRESIDING OFFICER. As to Senate Bill No. 250, that question was on an amendment and the question on a division of the amendment is always in order, but on final passage it is not. This is the distinction that all Members should maintain at all times.

MOTION FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, at this time I move House Bill No. 247 go over in its order for the purpose of having amendments prepared.

MOTION RULED OUT OF ORDER

The PRESIDING OFFICER. The motion of the gentleman is out of order. The question is on an appeal of the decision of the Chair and that takes preference. It is a preferential motion.

Senator NOLAN. Mr. President, I will leave the appeal of the Chair stand and ask for a roll call vote.

The PRESIDING OFFICER. The Chair rules the gentleman is incorrect. The appeal from the decision of the Chair must be disposed of or be withdrawn.

Senator NOLAN. I just said, Mr. President, that I leave that stand. I ask an appeal of the decision of the Chair and ask for a roll call vote.

The PRESIDING OFFICER. For a point of clarification, is the gentleman still insisting on appealing from the decision of the Chair on not dividing the question?

Senator NOLAN. For the third time, Mr. President, I will repeat: I appeal the decision of the Chair and ask for a roll call vote.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Nolan, has appealed the decision of the Chair. Those voting "aye" sustain the Chair and those voting "nay" disagree with the Chair.

On the question,

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

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

YEAS—41

Arlene, Hess, Manbeck, Ross,

Coppersmith,	Hill,	McKinney,	Scanlon,
Corman,	Holl,	Messinger,	Schaefer,
Dougherty,	Hopper,	Moore,	Smith,
Dwyer,	Howard,	Murray,	Snyder,
Early,	Jubelirer,	Noszka,	Stapleton,
Fleming,	Kelley,	O'Pake,	Stauffer,
Gekas,	Kusse,	Orlando,	Stout,
Gurzenda,	Lewis,	Reibman,	Tilghman,
Hager,	Lynch,	Romanelli,	Wood,
Hankins,			

NAYS—7

Andrews,	Duffield,	Mellow,	Sweeney,
Bell,	Kury,	Nolan,	

So the question was determined in the affirmative, and the decision of the Chair is sustained.

And the question recurring,

Will the Senate agree to the bill on third consideration?

AMENDMENTS OFFERED

Senator NOLAN. Mr. President, I wish to offer amendments to House Bill No. 247, and rather than having them prepared, if the gentleman from Lycoming, Senator Hager, has no objection, I would like to cross out his name and put my name on the amendments.

Senator HAGER. May we be at ease?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Senator HAGER. Mr. President, as a matter of Senatorial courtesy, I have no objection to the gentleman from Allegheny, Senator Nolan, using the form. I merely want to say that it was withdrawn by this side, it would not be offered by this side and will probably be voted against by this side.

The PRESIDING OFFICER. The Chair wishes to state that the amendments in form do not conform with the Rules of the Senate and that is, only one copy has been received. The Rules of the Senate provide that ten copies must be provided.

However, if there is no objection, the Senate will be at ease while the other copies are provided.

(The Senate was at ease.)

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

Amend Title, page 1, line 13, by striking out "INCREASING THE RATE OF THE PERSONAL INCOME TAX;"

Amend Bill, page 4, lines 1 through 25, by striking out all of said lines

Amend Sec. 3, page 4, line 26, by striking out "3" and inserting: 1

Amend Sec. 3, page 4, line 26, by striking out "OF THE ACT," and inserting: , act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971,"

Amend Sec. 4, page 6, line 13, by striking out "4" and inserting: 2

Amend Sec. 5, page 6, line 23, by striking out "5" and inserting: 3

Amend Sec. 6, page 8, line 12, by striking out "6" and inserting: 4

Amend Sec. 7, page 12, line 2, by striking out "7" and inserting: 5

Amend Sec. 8, page 12, line 8, by striking out "8" and inserting: 6

Amend Sec. 8, page 12, lines 11 through 13, by

striking out all of lines 11 and 12 and "(2)" in line 13 and inserting: (1)

Amend Sec. 8, page 12, line 16, by striking out "(3)" and inserting: (2)

Amend Sec. 8, page 12, line 18, by striking out "(4)" and inserting: (3)

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, these amendments remove the 2.3 per cent income tax from this bill, and leave only the CNI tax in this bill.

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

Senator MESSINGER. Mr. President, I urge my colleagues to vote against these amendments. They would defeat the whole purpose of this bill because we would not have sufficient revenues to do what we have to do.

Therefore, I urge a "no" vote on these amendments.

Senator HAGER. Mr. President, these amendments, had they been offered by us, would have been coupled with other amendments to attack the funding problem of this Commonwealth in one piece. They are not being offered by us but are now being offered by the gentleman from Allegheny, Senator Nolan, in a totally different way and I would urge my colleagues to vote against the amendments.

Senator STAUFFER. Mr. President, if the amendments offered by the gentleman from Allegheny, Senator Nolan, were to succeed, we would then have before us a bill which contained only a one and a half per cent increase in the corporate net income tax. As those who serve on the Committee on Finance are well aware, and those who attended the meeting the week before last, the issue of the reforms for the corporate net income tax were discussed and there was a difference of opinion regarding the fiscal effect of the reforms which were being discussed and considered at that time. In the course of that meeting, a young lady who works in the budget office—I am sorry I do not know her name but the Members will recall her being present—indicated that she could assemble the data required for us to properly consider the reforms and have it available by today. I have not seen the data, I am not sure it was made available, but the important thing is that for us to vote on that single issue of corporate net income tax, without the data, without the information regarding the reforms and without, in fact, the reforms themselves being in the bill to satisfy some of us, it would be impossible to properly consider the bill. For that reason, I would think it a mistake to amend the bill and isolate that single issue which is, as yet, unresolved, not only in its content but also without the data, which would reinforce whichever position one might wish to take. For that reason, I oppose the Nolan amendments.

Senator NOLAN. Mr. President, the position in which we find ourselves at the present time is one of voting on a tax increase on the working class of people in this State and also on the corporations in order to raise \$300 million.

Mr. President, we should be addressing ourselves to Senate Bill No. 770, Printer's No. 1137, which I have prepared and distributed to each and every desk in this Senate, for the Senators' information, containing certain cuts in the budget that was passed here in August. It seems to me we are putting the cart

before the horse and we should be considering the budget before we go into the taxes. If this bill were to pass in its present form, there would be no sense for those on this side of the aisle and the other side of the aisle even attempting to cut a budget that was passed in August. Until such a time as we know what it is going to take—

The PRESIDING OFFICER. Would the gentleman yield, please. The Chair would respectfully request the gentleman to confine his remarks to the amendments and not the collateral bill or other aspects of appropriations.

Senator NOLAN. I am confining myself to the amendments. Insofar as what I was about to say, we are being asked to raise \$300 million before we even know what the final budget is going to be. To me this makes us look like a gang of damn fools, to be very honest about it.

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

Senator DUFFIELD. Mr. President, I will rise to oppose these amendments, because coming from a District which is seeking business and industry, I cannot conscientiously vote, without any reforms, for a one and one-half per cent CNI increase. It is nice to crucify business and be heroes to the average taxpayer, however, if we crucify them too much, we are not going to have any jobs.

A recent bill increased the unemployment compensation cost a couple hundred million dollars to industry in Pennsylvania. Being on this side of the aisle it might be a little out of character to say this, but we cannot afford to drive industry out of Pennsylvania anymore than we have.

Some of us attended a meeting at the Hotel Hilton last week in Pittsburgh concerning the problems of Bethlehem Steel. The fact that we have lost 15,000 jobs in Pennsylvania in the steel industry, plus the environmental regulations on business today, we are doing everything we can—

The PRESIDING OFFICER. The Chair would like to caution the gentleman to confine his remarks to the amendments.

Senator DUFFIELD. Mr. President, I am confining my remarks to the amendments. We are talking about crucifying business by a one and one-half per cent increase in the CNI tax. If that is not talking about the amendments, I do not know what it is. That is the amendment.

The PRESIDING OFFICER. The Chair wishes to state that the amendments provide nothing more than to remove the personal income tax aspect from the bill. The amendments have nothing to do, whatsoever, with the corporate net income tax. Therefore, I ask the gentleman to please confine his remarks to the amendments.

Senator DUFFIELD. Mr. President, the amendments are a ploy to appeal to those who are afraid to put the personal income tax on the taxpayers, to share equally and proportionally the burdens on State government today. If these amendments pass, it leaves the only tax we have at the present time to run State government on business and industry. If these amendments are passed and we take out the 2.3 per cent on the personal income tax, the only thing left is the one and one-half per cent CNI increase to carry the load of the \$300 million we need. That is not sufficient to do it.

If we are honest with ourselves and we feel we need \$300 million, we will leave the 2.3 per cent in there. It is so easy to put it

off on business but, in the long run, it is on the consumer. Business does not pay the tax, they pass it on. It is the consumer who would have to pay the tax.

Therefore, Mr. President, I intend to vote against these amendments.

Senator DOUGHERTY. Mr. President, I sit here today and I watch what is going on and I just wonder how much further the operations of the Senate of Pennsylvania will deteriorate before we recognize what is our responsibility.

The amendments of the gentleman from Allegheny, Senator Nolan, are another step in the continuing battle to fight a war which was lost last summer. I just wonder how long we are going to go through things like a charade that says, "We are going to be responsible legislators and not increase the personal income tax, but we will increase the corporate net income tax."

You know, Mr. President, I suppose we are all frustrated. I really think the time has come to face the issue, which is, whether or not we care enough to fund higher education by being responsible and either voting the taxes—and that is a tax package which we all know will include some variation of an increase in the personal income tax and an increase in the corporate net income tax—or cut the budget by \$300 million.

To continue to play games, to go through a charade which, in my mind, simply further deteriorates the status of the Senate of Pennsylvania is inexcusable. Young people are going to college and we have a responsibility to them. We have to face the issue. We no longer can consider the—I will not consider them—amendments which are being offered that continue to do something which I think has been resolved.

I would certainly hope we could move rather rapidly to a consideration of a tax package, one way or the other, that is responsible, that recognizes business cannot be taxed to the point where we do not have jobs. We all know what is there. I think the time for the fun and games is over. Let us get down to business, let us face the issue, let us "bite the bullet," if that is what the people want to talk about; let us get to the bottom line. Let us just do something responsible.

Senator BELL. Mr. President, I come from a different District than the gentleman from Philadelphia, Senator Dougherty. My people are still very irritated that the money that should have gone to fund our colleges and universities was sent some place else by a vote of the majority of this Senate.

I am now puzzled. If I vote with the gentleman from Allegheny, Senator Nolan, I am voting against increasing the personal income tax. If I vote against him, my people will interpret this as my favoring an increase in the personal income tax in order to fund the spending elsewhere of the money that should have gone to the colleges and universities last summer.

Therefore, I will listen intently and when I vote, I will still be puzzled.

Senator EARLY. Mr. President, I rise to speak in favor of the amendments of the gentleman from Allegheny, Senator Nolan. It is no secret we are trying to find \$285 million in order to fund the universities. If these amendments should pass, we would be left with a piece of legislation that would put a tax on industry, as has been noted, and that would bring in \$115 million.

It has been my consensus that the business community has

stated that they could accept an increase with the reforms that will be given to them, and I think there is total agreement in the reforms.

Mr. President, I have also been informed there will be legislation released from the Committee on Appropriations tomorrow that will cut the budget by \$80 million. We are now up to \$195 million which means that we are approximately \$90 million away. I think this is progress. When the university students come up here tomorrow, we can tell them we no longer need \$285 million, we only need \$90 million. I think if you want progress, this is a step in the right direction.

Senator HAGER. Mr. President, I think it is interesting that the gentleman from Allegheny, Senator Early, has been able to find a consensus in himself. He has changed his position on this so often I think he needs a consensus.

I believe that I can find agreement with a number of things which have been said here tonight, although, in the last speech I can find none with which I am in agreement. It seems to me that, perhaps, for those who voted for the taking of this \$300 million from the universities, the medical schools and the dental schools, these amendments offer a way out. I will be darned if I can see how.

It seems to me those, like the gentleman from Philadelphia, Senator Dougherty, who say we are fighting a game that is already over—if that is, in fact, true, there were twenty-six votes in this Senate to take the money from the universities. Let them be the ones to vote to raise the taxes to pay for it.

In the meantime, I must agree with the gentleman from Fayette, Senator Duffield, on this. I believe it is very obvious to people that you cannot attack this question piecemeal. That is, in fact, why I withdrew the amendments. We thought about attacking this thing piecemeal and trying to come to a resolution of this, but it is pretty obvious to me we have to solve this as an integrated problem. We either have to come up with a combination of tax votes to fund \$300 million to replace the money which was taken from the nonpreferreds or we have to come up with a combination of budget cuts and some changes in the tax laws to come to some kind of a consensus which is more than one man's consensus of where he happens to stand at the moment.

It is very clear to us, Mr. President, at this point it makes no sense, whatsoever, to try to divide this question by amendment or otherwise. Let us deal with it all at one time. Very frankly, I am anxious to get to the main vote on the main issue. I am anxious to see whether those twenty-six people who voted for the taking of the money from the nonpreferreds and the universities and spread it on general government are now willing to put up their votes to find \$300 million to take care of the colleges and universities. If they are not, then let us find it out tonight and let us get to the point where we can agree on some compromises which would solve this problem and end the agony of the people.

Senator COPPERSMITH. Mr. President, I believe I have the credentials to speak on this problem because (a) I voted for the budget that passed in August; (b) at that time it was no secret that I indicated I was willing to vote for the necessary taxes to fund that budget; (c) I objected to not including the nonpreferreds in the package that passed because it did not require

any great foresight to see that the impasse we presently face would happen when we exhausted all the revenues without taking care of the nonpreferred appropriations; also, I had great reservations about the hundred million dollar increase in the school subsidies.

I would point out to the gentleman across the aisle, the Minority Leader, that he voted for a hundred million dollar increase in the school subsidies while at the same time calling for cuts elsewhere; that one of the dilemmas with which we are now faced is that we have this hundred million dollar shortage. If we pass the corporate net income tax, we get the \$115 million. There is talk about \$80 to \$85 million in cuts and I come back to this old proposition that we are faced with this dilemma, with this hundred million dollar increase in the school subsidies. I am practical enough to know that you are not going to eliminate that increase in the school subsidies now. I am also practical enough to know that you are not going to cut the budget by \$300 million when you are almost five months into the fiscal year. It does not make sense.

On what is going to have to happen—and I only hope we come to our senses sooner than later—I thought the gentleman from Philadelphia, Senator Dougherty, made a very good speech in that respect.

Mr. President, I was away for two weeks and when I came back it was like a bad dream to see the same charades, the same tired maneuvers. We do not kid anybody but ourselves. We have fine universities in this State. Why leave them dangle for what we consider to be our political advantage? Many times maneuvers that we think are for our political advantage, substantively are not.

We only have to look at the New Jersey situation where it was felt that the incumbent Governor committed political suicide by adopting a certain position and the opposition thought they were in clover. Yet, when the votes were counted, it did not quite turn out that way.

Senator Muskie once made a statement that I think was very profound. He said, "Never overestimate what the voters know, but never underestimate how smart they are." I think the voters are smart enough to know the situation can be resolved. I, myself, have a proposal. It may be a bad proposal but at least it is one solution. You take the CNI increase, the 1 per cent or the 1.5, whichever is agreed upon, you then cut the budget \$80, \$85 million, which has been indicated as possible. The final part of my proposal is: We take this hundred million dollar subsidy increase, we delay it to July 1st of 1978, but say that the school districts can include it in their fiscal year of 1977-78. The school districts have their money because we say that it is included in this fiscal year, but the hundred million dollar payment is delayed to the next fiscal year.

Mr. President, I agree that it is not the best possible solution. It has problems for the future. May I suggest to the gentlemen and the lady in this Chamber though, that a bad solution now is better than the best solution three months from now. It is about time we end this agony for everyone—for the schools—it is about time we really begin to act in a responsible way. Let us come to some solution. It we cannot get the best solution, let us take one that has the least to be said against it, but let us do something.

Senator NOLAN. Mr. President, in answer to the statement of the gentleman from Philadelphia, Senator Dougherty, when he speaks of a charade, if there was a charade that went on in this Senate, it went on last August, and he participated in it, when Philadelphia reached out and took the best part of this budget.

I might say it is my honest opinion the day is not far away when we are looking at future budgets, if we want to cut those budgets, they are going to be cut where the Philadelphia money is and not any place else in this Commonwealth. The people of this Commonwealth are being short-changed, with the exception of Philadelphia, and that is where the charade comes in.

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

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

YEAS—8

Bell, Early,	Gurzenda, Mellow,	Nolan, O'Pake,	Schaefer, Sweeney,
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NAYS—40

Andrews, Arlene, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Fleming, Gekas, Hager,	Hankins, Hess, Hill, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse,	Lewis, Lynch, Manbeck, McKinney, Messinger, Moore, Murray, Noszka, Orlando, Reibman,	Romanelli, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Wood,
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So the question was determined in the negative, and the amendments were defeated.

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

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 DUFFIELD. Mr. President in accordance with the remarks made previously by myself under the debate on the amendments, I would like the opportunity of offering an amendment tomorrow to reduce the CNI to one and I will move at this time that the bill go over until tomorrow.

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

Senator MESSINGER. Mr. President, I urge my colleagues to vote against the motion for the bill to go over in order.

MOTION WITHDRAWN

Senator DUFFIELD. Mr. President, I have again, as has the gentleman from Allegheny, Senator Nolan, been privileged to have in my hand an amendment, apparently, which I have in

mind and I will withdraw my motion to have this bill go over until tomorrow.

And the question recurring,
Shall the bill pass finally?

AMENDMENTS OFFERED

Senator DUFFIELD. Mr. President, I offer amendments to House Bill No. 247.

CHAIR REVERSES DECISION

The PRESIDING OFFICER. It is necessary for consideration that the Senate recede from its third consideration.

If there is no objection, the Chair will reverse its determination of final passage on third consideration in order to consider the amendments.

There being no objection, the Chair recedes from the same, the amendments will be accepted.

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

DUFFIELD AMENDMENTS

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

Amend Sec. 3 (Sec. 402), page 5, line 14 by striking out "ELEVEN" and inserting: ten and one-half

Amend Sec. 3 (Sec. 402), page 6, line 3 by striking out "ELEVEN" and inserting: ten and one-half

Amend Sec. 3 (Sec. 402), page 6, line 10 by striking out "ELEVEN" and inserting: ten and one-half

Amend Sec. 5 (Sec. 502), page 7, line 11 by striking out "ELEVEN" and inserting: ten and one-half

Amend Sec. 5 (Sec. 502), page 7, line 30 by striking out "ELEVEN" and inserting: ten and one-half

Amend Sec. 5 (Sec. 502), page 8, line 10 by striking out "ELEVEN" and inserting: ten and one-half

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

Senator DUFFIELD. Mr. President, I will not elaborate too much upon what I said in my previous discussion. We cannot put too onerous a burden on either the taxpayer or industry. I think a 1.5 per cent increase in the CNI would have a very adverse affect upon attracting industry to Pennsylvania and keeping what we have.

We have a situation in western Pennsylvania, as I stated before, where 15,000 jobs have been lost in the steel industry because of various factors. Industry also had to bear the burden of the compensation increase and although I do not bleed for big business, I realize the facts of life. It is far more important in Pennsylvania that we have jobs, that we give inducement to industry rather than use it as a whipping boy at every opportunity that might present itself.

Therefore, without any further elaboration, I think we know the reason for these amendments. I think the reduction of some \$40 million that we will lose by these amendments can be accomplished in one way by transferring the \$30 million back to the State Police and one or two other measures that are under

consideration. I believe with the one per cent increase in the corporate net income tax and a 2.3 per cent personal income tax, we can adequately meet the problems of the nonpreferreds without putting too heavy a burden on any segment of our society. Therefore we request an affirmative vote on these amendments.

Senator KURY. Mr. President, I shall be very brief. I just want to say that I join the gentleman from Fayette, Senator Duffield, in the sentiments he expressed. In my own Senatorial District we face the same kind of problems. We learned just last week that the Zenith Corporation plant at Watson town is going to lay off 1,000 people. I, and others from the area, went out to the Zenith Corporation to see about saving those jobs. It appears we are going to have to find new industry to replace those jobs.

We have a high unemployment figure in Columbia County, parts of Northumberland and other parts of my District and it is apparent to me that one of the things we have to do is try harder to bring in new industry, new jobs, to our area. Therefore, I believe this corporate net income tax level is a significant factor in bringing in new industry, in bringing in jobs, and, therefore, in the interest of that kind of effort, I am going to support the amendments of the gentleman from Fayette, Senator Duffield.

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

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

Senator SMITH. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us if these amendments pass reducing the proposed increase from 1.5 per cent to one per cent, coupled with the corporate tax reform that is in House Bill No. 247; would this have the same effect as giving us a reduction in business taxes based on the current level of revenues on the corporate net income tax?

Senator SMITH. Yes, it would, Mr. President.

Senator MELLOW. Mr. President, could the gentleman give us any idea—I realize that it would be difficult for him to give us figures—if we do adopt these amendments at one per cent coupled with the tax reform, what it might mean to the 2.3 per cent personal income tax proposal?

Senator SMITH. Mr. President, the way the bill is constructed it calls for an \$89 million increase in the CNI, less the \$12 million which would be doing away with prepayment. Therefore, we reduce that to \$77 million at 1.5 per cent. We would then take one half from \$77 million—\$38 million in round numbers—we would lose approximately \$38 million.

Senator MELLOW. Mr. President, could the gentleman then tell us whether by actually adopting these amendments, if we do have a deficit of somewhere around \$300 million today, our deficit would then increase?

Senator SMITH. It most certainly would, Mr. President.

Senator STAUFFER. Mr. President, I am a bit confused by some of the figures I just heard because as I understood the gentleman from Philadelphia, Senator Smith, this 1.5 per cent increase in the corporate net income tax would raise \$89 million and that \$12 million would be deducted from that because

of the reform. My understanding is that a one per cent increase in the CNI is worth \$74 million. If you deducted \$12 million for the reform, that would reduce that figure to \$62 million and another half per cent added to that should certainly be close to \$100 million or more.

Senator NOLAN. Mr. President, I think I have worked with industry in the last nine months on a tax package that would be acceptable to them. We have bills in the Committee on Finance at the present time that would give tax relief to the industry. At present we are awaiting figures from the Department of Revenue and also from the office of the Secretary of the Budget.

The gentleman from Philadelphia, Senator Smith, points out that the 1.5 per cent would bring in \$115 million. In pointing that out, he is talking about the next eighteen months because this tax is retroactive to January 1st. The figures he actually quoted, the loss in those figures by cutting this down a half mill, would actually come out to that figure because we would only be collecting the one mill increase for a period of eighteen months, whereas the 1.5 per cent would be collected for eighteen months, so that there is a loss. The net gain is not what it would be under 1.5 per cent.

Senator HAGER. Mr. President, for the same reasons which I mentioned on the preceding roll call, it seems to us this is an integrated matter and should be dealt with in an integrated way. I would ask that we vote against this and deal with the entire matter at one time. I am anxious to see whether or not there are sufficient votes to pass this bill which I doubt. Perhaps we can then get around to solving this problem in an integrated way.

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

Bell,	Gurzenda,	Lewis,	Snyder,
Coppersmith,	Holl,	O'Pake,	Stapleton,
Corman,	Hopper,	Romanelli,	Stauffer,
Duffield,	Kury,	Schaefer,	Sweeney,
Early,			

NAYS—31

Andrews,	Hess,	McKinney,	Reibman,
Arlene,	Hill,	Mellow,	Ross,
Dougherty,	Howard,	Messinger,	Scanlon,
Dwyer,	Jubelirer,	Moore,	Smith,
Fleming,	Kelley,	Murray,	Stout,
Gekas,	Kusse,	Nolan,	Tilghman,
Hager,	Lynch,	Noszka,	Wood,
Hankins,	Manbeck,	Orlando,	

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.

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—19

Arlene,	Kury,	Murray,	Ross,
Coppersmith,	Lewis,	Noszka,	Scanlon,
Dougherty,	Lynch,	O'Pake,	Smith,
Hankins,	McKinney,	Reibman,	Stapleton,
Hill,	Messinger,	Romanelli,	

NAYS—29

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

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

RECONSIDERATION OF HB 247

BILL OVER IN ORDER ON FINAL PASSAGE

HB 247 (Pr. No. 2253) — Senator MESSINGER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 247, Printer's No. 2253, just failed on final passage.

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

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Senator MESSINGER. Mr. President, I request that House Bill No. 247 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, NOVEMBER 15, 1977

9:30 A.M.	ENVIRONMENTAL RESOURCES (to consider Senate Bills No. 781, 782 and House Bill No. 1765)	Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (to consider Senate Bills No. 698, 699, 700, 839, 1137; House Bills No. 1274 and 1650)	Room 350

10:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1105)	Joint State Govt. Comm. Room 450
11:00 A.M. LABOR AND INDUSTRY (to consider Senate Bill No. 1174; House Bills No. 677, 711 and 959)	Senate Majority Caucus Room
11:30 A.M. EDUCATION (to consider Senate Bills No. 703, 779, 1111, 1144, 1172, 1177 and 1180)	Room 188
12:00 Noon RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations and Senate Resolution No. 60)	Rules Committee Conference Room

WEDNESDAY, NOVEMBER 16, 1977

11:30 A.M. AGING AND YOUTH (to consider Senate Bill No. 589 and House Bill No. 1107)	Room 168
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THURSDAY, NOVEMBER 17, 1977

10:00 A.M. MILITARY AFFAIRS AND AERONAUTICS (Public Hearing to continue the review and inquiry of the Department of Military Affairs)	Senate Majority Caucus Room
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FRIDAY, NOVEMBER 18, 1977

10:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 1145)	Sheraton Inn, Johnstown, PA.
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POINT OF INFORMATION

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Nolan, will state it.

Senator NOLAN. Mr. President, can House Bill No. 247 be called up for a vote right now since it has been reconsidered?

The PRESIDING OFFICER. It may be called up, Senator, at any time after the motion is agreed to. The motion has been agreed to, therefore, it would be in order to consider the bill at any time.

Senator NOLAN. Mr. President, at this time I call up House Bill No. 247 for a vote.

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, November 15, 1977, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:30 p.m., Eastern Daylight Time.