

Legislative Journal

TUESDAY, NOVEMBER 15, 1977

Session of 1977

161st of the General Assembly

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SENATE

TUESDAY, November 15, 1977.

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

The PRESIDENT pro tempore (Martin L. Murray) 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: Authentic prayer leads to sensitive, but courageous, action. As we bow our heads, may this silence echo to the people of this Commonwealth, the students and workers, the ignorant and the educated, the black and the white; may the echo speak of sincere representation and total dedication.

God, You are the God of action, a God Who creates, liberates, heals, challenges, redeems. No one of us can act as decisively as You do, but act we must, striving in our humility, our earthliness, to lead by serving. Rid us of passivity, selfishness, fear and ambivalence.

May Your Spirit move us in our weakness, guide us to honest solutions. May He breathe His wisdom upon stubborn hearts and may we be humble before the people. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Swiderski who is the guest this week of Senator Romanelli.

JOURNAL APPROVED

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

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

BILL SIGNED

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

SB 334.

REPORTS FROM COMMITTEES

Senator MELLOW, from the Committee on Environmental

Resources, reported, as committed, **SB 782** and **HB 1765**; as amended, **SB 781**.

Senator SMITH, from the Committee on Appropriations, reported, as committed, **SB 698, 699** and **700**; as amended, **SB 1106** and **HB 1274**; reported, as committed, **SB 839** and **1137**; as amended, **HB 1650**.

RESOLUTION REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, **Serial No. 60**, entitled:

Directing the Senate Education Committee to hold public hearings to resolve the crisis in the Philadelphia public school system.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

SENATE RESOLUTION

DIRECTING APPOINTMENT OF TASK FORCE BY JOINT STATE GOVERNMENT COMMISSION TO STUDY VOTER APPROVAL OF ATTORNEY GENERAL

Senators HAGER, NOLAN, STAUFFER, KELLEY, STOUT, COPPERSMITH, O'PAKE, SCHAEFER, DWYER, HESS, HOPPER, ANDREWS, DOUGHERTY, KUSSE, TILGHMAN, FLEMING, SNYDER, JUBELIRER, MANBECK, CORMAN, MOORE and GEKAS offered the following resolution (**Serial No. 61**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 15, 1977.

WHEREAS, The General Assembly is nearing completion of steps necessary to submit a constitutional amendment requiring the election of the Attorney General; and

WHEREAS, The Office of Attorney General becomes vacant upon the approval of the referendum by the electors of the Commonwealth of Pennsylvania; and

WHEREAS, The first election for Attorney General would be held in 1980 requiring certain interim provisions for the functions of the Attorney General; and

WHEREAS, The Attorney General, when elected, will exercise such powers and duties as are granted by law; and

WHEREAS, The changeover may suggest the need for a reappraisal of the present organization and functions of the Office of Attorney General; therefore be it

RESOLVED, That the Joint State Government Commission be directed to appoint a task force and undertake a study of all questions arising from voter approval of the referendum both during the interim between voter approval and the first election of the Attorney General and after the first election of the Attorney General. The task force shall give priority to the questions concerning the interim and, after a review of existing law

and precedents, shall recommend legislation providing for the selection of Attorneys General during the interim and for his powers and duties; and be it further

RESOLVED, That the Joint State Government Commission appoint an advisory committee to assist the task force, which advisory committee shall consist of outstanding citizens who have experience and expertise in the subject before the task force. All former Attorneys General shall be invited to serve on the advisory committee; and be it further

RESOLVED, That the task force may conduct public hearings to secure testimony on the questions before the task force; and be it further

RESOLVED, That the Department of Justice shall cooperate with the task force in its review of existing functions and procedures; and be it further

RESOLVED, That the task force shall issue a preliminary report to the General Assembly by March 1, 1978, which report shall include such recommended legislation as the task force deems necessary to provide for the selection and functions of Attorneys General during the interim; and be it further

RESOLVED, That a final report including recommended legislation for the permanent organization following the first election of the Attorney General shall be submitted by September 1, 1978; and be it further

RESOLVED, That the Joint State Government Commission shall assign the highest priority to the support of this task force.

RECESS

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

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

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 REIBMAN, by unanimous consent, from the Committee on Education, reported, as committed, **SB 703, 1144, 1172, 1177 and 1180**; as amended, **SB 1111**.

CALENDAR

REPORTS OF COMMITTEES OF CONFERENCE

BILLS OVER IN ORDER

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

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

BILL AMENDED

MOTION TO SUSPEND RULES

SB 770 (Pr. No. 1137) — Senator NOLAN. Mr. President, I move that the Senate suspend the Rules on Senate Bill No. 770,

Printer's No. 1137, in order that we may address ourselves to amendments.

On the question,

Will the Senate agree to the motion?

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

Senator HILL. 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—31

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

NAYS—17

Arlene,	Kelley,	Messinger,	Romanelli,
Coppersmith,	Lewis,	Murray,	Ross,
Guizenda,	Lynch,	Nosza,	Scanlon,
Hankins,	McKinney,	Reibman,	Smith,
Hill,			

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

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

Amend Title, page 1, line 1, by striking out "To" and inserting: Amending the act of August 20, 1977 (No. 11-A), entitled "An act to

Amend Title, page 1, line 6, by removing the period after "1977" and inserting:," adding an appropriation to the Pennsylvania Higher Education Assistance Agency and reducing and restricting the use of the cash assistance appropriation to the Department of Public Welfare.

Amend Bill, page 92, lines 16 through 30; pages 93 through 139, lines 1 through 30; page 140, lines 1 through 14, by striking out all of said lines and inserting:

Section 1. So much of section 2 as relates to certain appropriations to the Executive Department, act of August 20, 1977 (No. 11-A), known as the "General Appropriation Act of 1977," is amended by changing and adding items to read:

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

I. EXECUTIVE DEPARTMENT

For the Pennsylvania Higher Education Assistance Agency.

For the purpose of allocating institutional assistance grants for the academic year beginning on or about September 1, 1977 pursuant to the criterion contained in the act of July 18, 1974 (P. L. 483, No. 174), known as "The Institutional Assistance Grants Act" 14,000,000

* * *

To the Department of Public Welfare

* * *

Cash assistance [494,180,000]
470,380,000

* * *

Provided that, in funds herein appropriated for cash assistance shall be utilized for the payment of general assistance to any person who is under the age of 21 years and further provided that no person who is enrolled as a full-time college student shall be eligible to receive any general assistance from the department.

* * *

Senator EARLY. Mr. President, some of the amendments I will be discussing are amendments that have been agreed to by both sides of the aisle. These are amendments which have been discussed many times. There are a few which have not been discussed and I would appreciate it if the Members would think about them very carefully before we vote on them.

The first amendment, Mr. President, will amend the Department of Welfare budget on general assistance. It is No. 391 in the budget sequence.

Currently we are providing approximately \$494,180,000 to general assistance. I would like to reduce that figure by \$23.8 million. Included in this \$23.8 million reduction is the reduction to the college students. I think that is nothing new. You have heard it discussed many times on the floor where college students who are on welfare, after having enrolled in college, are walking down to the welfare office, signing up for a welfare check on the premise that the home or apartment where they live has only a small amount of income and, therefore, they are eligible for welfare and they are collecting it. This is a small portion of the amendments I am offering.

I am also stating that individuals who are eighteen, nineteen and twenty years old, regardless of their situation, going to college or not, will also be ineligible. I am making them ineligible, Mr. President, for two reasons: One, the State of Pennsylvania can no longer afford to have the welfare continue to increase as it has been. I am also offering this because, by the Constitution of the State of Pennsylvania, we are not permitted to give out welfare for individuals who are in a category not specifically mentioned.

The Constitution, which I have here and I am going to read, states this very specifically—it is not ambiguous in any way, it is very specific:

"Appropriations for Public Assistance; Military Service; Scholarships.

"No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denomination and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons twenty-one years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology."

This is telling us, by the Constitution of the State of Pennsylvania, we are not permitted to give any general assistance unless it is a mother with a dependent child, unless it is a blind person, unless it is a disabled person or unless it is someone in an institution and we may give to the college. That is what we are discussing today.

We, by our Constitution, have been giving money for general assistance directly against the Constitution of the Commonwealth of Pennsylvania.

Mr. President, I was not aware we were doing this until recently. My amendments should refer to anyone on general assistance. If anyone wanted to offer an amendment to eliminate anyone on general assistance, I would be happy to vote for that. Right now, Mr. President, we need additional funds to supply the money for the universities and I have discovered that every time we voted general assistance, we did it against the Constitution of the Commonwealth of Pennsylvania.

Mr. President, I would appreciate it if we could have a roll call vote on these particular amendments.

Senator BELL. Mr. President, I have a copy of the amendments in my hand. Not only does the gentleman cut out college students, he denies general assistance to any person who is under the age of twenty-one years. I could imagine an emancipated nineteen-year-old being hit by a car, becoming a cripple and the gentleman from Allegheny, Senator Early, would then let him starve to death.

Mr. President, I am going to vote against the amendments.

Senator SNYDER. Mr. President, I rise in support of the amendments of the gentleman from Allegheny, Senator Early. I had no advanced knowledge of them but certainly from what he has told us with regard to the practical effect, I think there could not be anything more salutary happen to the public assistance system than to approve these amendments.

It is not difficult to imagine a hardship case. This is the case with anything which is passed in the Senate. However, I would remind the Senate of this: This encroaches very slightly in the area of general assistance of which there are, perhaps, 170,000 persons currently enjoying it in Pennsylvania. Let me remind the Members that twelve states in the Union do not have any general assistance at all, whether it is for teenagers or for forty, fifty or sixty-year-olds. They find it possible to have a humane state by their standards in which the hardship cases, if

you will, or the needy who are not covered by the AFDC category, are taken care of by either private charity, churches, friends, neighbors or similar groups.

I think the amendments of the gentleman from Allegheny, Senator Early, are particularly on point in eliminating the persons who are eighteen, nineteen and twenty years old. These are people in their peak years of vitality; they are persons who, if they are emancipated and have no source of income, it is frequently by their own motion. Their parents, in most cases, would support them. If they cannot, there are other devices in society to take care of them.

Mr. President, I think the amendments, from what I have heard of them, are very much in order. It would make you a little sad to go into the public assistance offices and frequently see that the persons there who are waiting to apply are not people who are enfeebled or crippled or what-have-you; they are perfectly able-bodied people and they are precisely in the age range about which the gentleman's amendments are speaking.

Mr. President, I would urge support of the amendments.

Senator DUFFIELD. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

The PRESIDENT. Will the gentleman from Allegheny, Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator DUFFIELD. Mr. President, not having a copy of the gentleman's amendments—this is the first I have heard of this—could he tell me how much he proposes to save by these particular amendments.

Senator EARLY. Mr. President, \$23.8 million would be saved.

Senator DUFFIELD. Mr. President, will the Senator inform me—since we passed the General Fund budget in August and this is the middle of November, almost five months into the fiscal year—what portion of this has been used since almost half a year has already passed under this budget which we did pass?

Senator EARLY. Mr. President, none of it has been used. The \$23.8 million would be effective December 31st. In other words, this is only a half year's appropriation. Not only will it not affect the money which has been given out, it will give the Department until December 31st to inform those who are currently receiving public assistance that they no longer will be eligible.

Senator DUFFIELD. Mr. President, I am further confused. Was this not included in the General Appropriations bill that ran from July 1, 1977 to June 30, 1978?

Senator EARLY. Yes, Mr. President, it was included. I have taken only half of it out.

Senator DUFFIELD. Mr. President, the gentleman then assumes that half has already been spent. Does he know whether or not possibly all of it has been spent and they may be coming in for a deficiency in a month or two?

Senator EARLY. Mr. President, that is always a possibility here in State government. The figures I have given to the gentleman are the figures I received from the Department of Welfare. I have to assume their figures are correct.

Senator DUFFIELD. Mr. President, then the gentleman does not know what proportion of the money we appropriated in

August for this particular budget item has been spent thus far?

Senator EARLY. Yes, Mr. President, I do know. I indicated to the gentleman that August through December 31st would be \$23.8 million which is one-half of the entire year. I am informing the gentleman that the Department of Welfare has indicated to me that if I have a cut-off date of December 31st, we would save, during this fiscal year, \$23.8 million. I am telling the gentleman that I received these figures from the Department of Welfare which is basically the only Department where we can get this information. I assume what they have told me is true.

Senator DUFFIELD. Mr. President, I know I voted for this budget in August. The budget ran for the fiscal year July 1, 1977 to June 30, 1978. I believe the gentleman from Allegheny, Senator Early, also voted for the same budget.

I feel, at this time, that those problems should have been taken care of at that time, rather than wait until four and a half, almost five months, into the new fiscal year before adjusting the budget. If I had not voted for the budget originally, and I had taken special exception at that time to the Department of Welfare, I might have been more inclined to change my mind at this time.

However, I voted for a budget in August as did the gentleman from Allegheny, Senator Early, which I felt was a sound budget. Otherwise, I would not have voted for it. Therefore, I do not intend to change my mind in the middle of the stream just to try to avoid the necessity of having to raise taxes to fund our institutions.

Senator ROMANELLI. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

The PRESIDENT. Will the gentleman from Allegheny, Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator ROMANELLI. Mr. President, I wonder if the gentleman knows the percentage rate of unemployment in the United States today?

Senator EARLY. I assume seven per cent, Mr. President.

Senator ROMANELLI. Seven per cent, Mr. President?

The PRESIDENT. The answer was: I assume about seven per cent.

Senator ROMANELLI. It is seven per cent, Mr. President. Does the gentleman know the percentage of that seven per cent which are people from eighteen to twenty-five, the people he is affecting by this cut?

Senator EARLY. Mr. President, I do not have the exact figure. I assume it is pretty high.

Senator ROMANELLI. Forty-six per cent, Mr. President. Forty-six per cent of the people of that seven per cent are from eighteen to twenty-five and they are the people the gentleman from Allegheny, Senator Early, is trying to cut.

Senator McKINNEY. Mr. President, I would like to offer a correction to the statement of the gentleman from Allegheny, Senator Romanelli. That forty-six per cent applies to blacks who are eighteen to twenty-one years old.

I wonder how the gentleman from Allegheny, Senator Early, feels about many of these people who are married and have families, who are unemployed, who look after their own; how are they supposed to eat? They can vote but they cannot eat.

Under the gentleman's proposal, many of these people would go hungry. I just wonder how the gentleman could sleep at night if these amendments are adopted.

Senator EARLY. Mr. President, I would like to answer the Members who have made some objections to these amendments, starting with the gentleman from Delaware, Senator Bell. The gentleman indicated what could happen if an individual would get into an automobile accident and would be disabled. I would like to inform the gentleman that regardless of the age of that individual, he then would be classified as disabled and, under those conditions, he is not in the general assistance category. Since he is not in the general assistance category, then the Federal government will pick up fifty-five per cent of the cost of that individual. My amendments do not touch him in any way. So the first objection of the gentleman from Delaware, Senator Bell, is not a valid situation in this particular case. He would still be taken care of.

The gentleman from Allegheny, Senator Romanelli, made the point about individuals eighteen to twenty-five. Yes, there is unemployment in that particular category.

I would like to go back to the remark of the gentleman from Lancaster, Senator Snyder, and that is: Is an individual unemployed of his own making? Now that is getting into a philosophical argument which, if we were here all day, we would have trouble answering.

I am well aware, Mr. President, as I am sure everyone is, there are many restaurant and stock boy jobs and jobs of that nature available. However, I hear so many people say, "That job is beneath my dignity." I get a little irritated that a job is beneath their dignity but taking free money is not. Therefore, I disagree with the gentleman from Allegheny, Senator Romanelli, because I think jobs are available. It is just that individuals are not taking them.

The gentleman from Philadelphia, Senator McKinney, had mentioned an individual who is married. Individuals who fall into that category are basically the ones who would fall under the category of aid to dependent children. In that category, the Federal government will again pick up forty-five per cent of the cost, and he too is not affected in this particular case.

Therefore, the objections I have heard I can sympathize with, but these objections are not falling into this particular category, that is the category of general assistance.

Senator DOUGHERTY. Mr. President, I rise to oppose the amendments of the gentleman from Allegheny, Senator Early. The gentleman offers very attractive amendments if you want to be popular. However, I question the substance of these amendments.

The gentleman stands here and says in the case of the gentleman from Philadelphia, Senator McKinney, that young couples would qualify because they would be under aid for dependent children. That is with the assumption that the couple has children. If you had a nineteen-year-old young man who gets married, they do not have children, they do not qualify for aid to dependent children. I think, again, it is a simplistic answer. Yes, there are a lot of eighteen to twenty-one-year-olds who do not belong on the welfare rolls. There are a lot of young people who are unemployed who graduated from high school and

cannot get jobs, who want jobs and cannot get them. What we are saying to them, in effect, is that there is no place for them in society and we really have no responsibility for them. While these are very popular amendments, they are very wrong.

Senator BELL. Mr. President, I am assuming that the person hit by the car is not categorized as totally disabled. For instance, many of our general assistance recipients are people who had, in later years, some illness that does not make them readily employable.

Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

The PRESIDENT. Will the gentleman from Allegheny, Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator BELL. Mr. President, I would like the gentleman to answer the real question. He talked away some of these objections.

How can the gentleman explain, Mr. President, that a guy between eighteen and twenty-one has to eat?

Senator EARLY. I am sure he has to eat, Mr. President, as does everyone have to eat. I think basically that individual is going to have to find a job. Well, you say, "Where?" Jobs are basically available if the individual is willing to take them. However, if an individual is willing to say, "That is beneath my dignity," no, he will not take a job.

However, Mr. President, another further point: If you desire to give this money away, that is one thing. No one has raised any objection to the fact that we are going against the Constitution of the Commonwealth of Pennsylvania, no one has stood up here and said I have interpreted the Constitution wrong and I am happy to see that. Apparently everyone is agreeing; as I have read the Constitution, the Members have interpreted it the same as I. The Constitution states you cannot give out money to individuals unless they fall in the categories which we have discussed. I am saying, Mr. President, we are going against the Constitution of Pennsylvania.

Mr. President, if this Senate desires to give this money away, then I would suggest a bill be prepared to offer an amendment to the Constitution, put it out for a referendum, let the people of Pennsylvania say, "Yes, Mr. Senator, we want you to give this money away." Until the Constitution is changed, a vote against these amendments would have to be a vote against the interpretation of the Constitution of the Commonwealth of Pennsylvania.

I am not an attorney, Mr. President, but if we continue to do this, since it has now been brought to light that we are going against the Constitution, I wonder if we could be surcharged for giving money away when it is brought to our attention that the Constitution does not permit us to give this money away. I believe this is an opportunity for us to say we were not aware of it in the past, we are aware of it now, and will stop the practice until the people of Pennsylvania have an opportunity to change the Constitution. If they so desire to change the Constitution, then I would say, "All well and good." Let us then give the money away but not until then, Mr. President.

Senator McKINNEY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

The PRESIDENT. Will the gentleman from Allegheny, Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator McKINNEY. Mr. President, in my District I could probably, tonight, bring you 500 people who would like to find some of those jobs that the gentleman knows about. I wonder if the gentleman can tell me where some of those jobs are located. In the next two hours, I could have buses here with about 500 people.

Senator EARLY. Mr. President, I do not know if I could find 500 jobs.

Senator McKINNEY. Two jobs, Mr. President?

Senator EARLY. Mr. President, I could find two jobs and would be happy to have them move to my District if they registered Democratic.

The jobs are available, Mr. President. I cannot tell you right here and now exactly where they are. I have seen signs of "Help Wanted," and I am sure the gentleman has gone by McDonald's, G. C. Murphy stores, Isaly stores, where I have repeatedly seen signs in windows saying "Help Wanted." I believe if my colleague from Philadelphia, Senator McKinney, would look, he would probably find those same jobs in his area.

Mr. President, I do not blame the people in his area or any other area for not taking a job that produces minimum wages. The reason I do not blame them for not taking those jobs is, why should they take that job because when they do take that job, it makes them ineligible for this free money.

I must say, Mr. President, I too, if I had the opportunity of taking a job or taking free money and the job did not pay much more than the free money, I would probably not take the job as well, which, in turn, would increase the unemployment as the gentleman from Allegheny, Senator Romanelli, and the gentleman from Philadelphia, Senator McKinney, have indicated.

Senator McKINNEY. Mr. President, apparently the gentleman comes from a very affluent District. We realize that, and, of course, I know that the streets are probably paved with gold and they have chicken and steak every night. However, I can frankly attest to some of the places in my District where the same does not prevail.

If the gentleman would again tell me where I can find even five jobs tonight I will fill them.

Senator EARLY. Mr. President, I cannot tell the gentleman exactly where to find five jobs. I would suggest that he look in the paper, in the want ad column, and I am sure there would be at least five jobs there.

Senator McKINNEY. Mr. President, that is in the gentleman's District where the affluence is great, not in Philadelphia. I hope the gentleman enjoys his steak tonight.

Senator HOWARD. Mr. President, I am going to vote against the amendments of the gentleman from Allegheny, Senator Early. However, I must confess it is getting increasingly difficult to vote against these types of proposals which, I guess, could be best termed "meat axe" solutions to the problem. The reason it is getting increasingly difficult for me is—and I suspect for many others in this Chamber—we, or the Department of Welfare, continue to refuse to deal with the substance of our problems and to determine, for example, whether we are going

to continue with welfare, which was originally conceived to deal with problems of people under extreme duress, and continue to extend that now in order to permit, for example, college students to collect it. I am sure a logical argument can be made for college students, certainly not a logical argument when measured against the crises in the families within the District of the gentleman from Philadelphia, Senator McKinney, trying to support their children as opposed to the casually unemployed college student who may be living at home.

I believe there are those of us who have great empathy for the crisis situations of people under twenty-one. At the same time we have a dilemma when we realize we cannot seem to confront the extremely difficult and, possibly, politically unpopular problem of trying to draw legislation that is going to distinguish between the eighteen-year-old couple with children who is, in good conscience, trying to find employment and deserves our support and the nineteen-year-old adult who really is not constructively interested in finding a job or earning his own living. He is the one the gentleman from Lancaster, Senator Snyder, points out and does, in fact to a degree that is shocking, show up to collect the assistance being paid for by people who do have a conscience.

Mr. President, I believe we are rapidly reaching the point where those of us who do have compassion for the justified claim are no longer going to be able to resist the clamor for taking the meat axe.

Therefore, Mr. President, while I am going to vote against this proposal this time, I certainly hope within the next several months this Chamber will move upon a number of the suggestions, several of them from the gentleman from Lancaster, Senator Snyder, himself, that attempt to solve the problem with the scalpel, as it must be solved, rather than the meat axe to which we will ultimately get unless we do something soon.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—25

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

NAYS—24

Arlene,	Hankins,	Lynch,	Romanelli,
Bell,	Hill,	McKinney,	Ross,
Coppersmith,	Howard,	Messinger,	Scanlon,
Dougherty,	Kelley,	Murray,	Smith,
Duffield,	Kury,	Noszka,	Stout,
Guizenda,	Lewis,	Reibman,	Zemprelli,

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

The PRESIDENT. Are there further amendments to Senate Bill No. 770?

AMENDMENTS OFFERED

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

Amend Title, page 1, line 1, by striking out "To" and inserting: Amending the act of August 20, 1977 (No. 11-A), entitled "An act to

Amend Title, page 1, line 6, by removing the period after "1977" and inserting: , changing and limiting certain appropriations.

Amend Bill, page 92, lines 16 through 30; pages 93 through 139, lines 1 through 30; page 140, lines 1 through 14, by striking out all of said lines and inserting:

Section 1. So much of section 2 as relates to certain appropriations to the Executive Department, act of August 20, 1977 (No. 11-A), known as the "General Appropriation Act of 1977," is amended by changing and limiting items to read:

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

I. EXECUTIVE DEPARTMENT

To the Governor

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

Administration of the Office of the Governor.....	[2,100,000]
	1,958,000

* * *

For the administration and operation of the Office for Human Resources: Provided, That no allocation may be made from this appropriation for the Nursing Home Ombudsman Project.....	[224,000]
	151,000

* * *

For the administration and operation of the Office of the Budget....	[1,690,000]
	1,470,000

For the salaries, wages and all necessary expenses for the proper administration and operation of the Human Relations Commission....	[3,710,000]
	3,672,000

For the conduct of the work of the Pennsylvania Council on the Arts, requisitions to be signed by the Governor.....	[2,000,000]
	1,889,000

For the administration and operation of the Pennsylvania Commission for Women.....	[154,000]
	130,000

* * *

To the Treasury Department

For the administration of the Board of Finance and Revenue....	[519,000]
	500,000

* * *

To the Department of Agriculture

For the salaries, wages and all necessary expenses for the proper administration of the Department of Agriculture, including the following programs: regulation of consumer products and promotion of fair business practices, plant health, animal health, rural services and agribusiness development.....	[14,152,000]
	13,658,000

* * *

To the State Council of Civil Defense

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

* * *

To the Department of Community Affairs

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

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

* * *

To the Department of Education

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

* * *

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

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

* * *
 For the Pennsylvania Higher Education Assistance Agency

* * *
 For the purpose of allocating institutional assistance grants for the academic year beginning on or about September 1, 1977, pursuant to the criterion contained in the act of July 18, 1974 (P. L. 483, No. 174), known as "The Institutional Assistance Grants Act"..... 14,000,000

* * *
 To the Department of Environmental Resources

* * *
 For deep mine safety [2,300,000]
 2,144,000
 For occupational health [650,000]
 600,000
 For surface mine reclamation ... [2,180,000]
 2,000,000

* * *
 For community environmental control..... [6,235,000]
 5,354,000
 For radiological health..... [712,000]
 581,000
 For State forestry operations. ... [10,300,000]
 10,222,000

* * *
 For the gypsy moth laboratory and research [406,000]
 400,000
 For insect spraying operations. ... [350,000]
 200,000
 For State parks [19,894,000]
 18,458,000

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

* * *
 To the Department of Health

* * *
 For the operation of Bureau of Vital Statistics [3,113,000]
 2,950,000
 For the operation of the State Laboratory [2,164,000]
 1,870,000

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

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

* * *
 To the Pennsylvania Historical and Museum Commission

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

For administration of the Brandywine Battlefield Park Commission and operation and maintenance of Brandywine Battlefield Park [118,000]
 112,000

* * *
 To the Department of Insurance

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

* * *
 To the Department of Justice

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

* * *
 To the Department of Labor and Industry

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

* * *
 To the Department of Military Affairs

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

* * *
 To the Pennsylvania Board of Probation and Parole

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

* * *
 To the Department of Public Welfare

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

* * *
 To the Department of Revenue

For salaries, wages and all necessary expenses for the proper administration of the Department of Revenue including corporation taxes, county collections, cigarette and beverage taxes, education tax

administration and administration of the personal income tax	[49,310,000] 47,310,000
---	----------------------------

* * *

To the Pennsylvania Securities Commission	
For the salaries, wages and all necessary expenses for the proper administration of the Pennsylvania Securities Commission	[900,000] 861,000

To the Department of State	
For salaries, wages and all neces- sary expenses for the proper ad- ministration of the Department of State including regulation of con- sumer products and promotion of fair business practice, maintenance of the electoral process, and for the proper administration of the Bu- reau of Professional and Occu- pational Affairs.	[5,831,000] 5,439,000

* * *

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

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

* * *

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

No allocations may be made from this appropriation for the support of instructional television by either the commission or its member sta- tions.	
For programming services	[2,000,000] 1,700,000

* * *

Section 2. This act shall take effect immediately
and shall be retroactive to August 31, 1977.

On the question,

Will the Senate agree to the amendments?

Senator EARLY. Mr. President, I have quite a few amend-
ments. I will be very brief because a lot of these amendments
have since been put into a piece of legislation which I under-
stand is going to be reported from the Committee on Appro-
priations. I have been informed that the bill probably will be re-
ported from the Committee on Appropriations tomorrow.

The amendments which I am offering right now are a little
bit different than the particular bill which will be reported
from committee. That is a reduction in general services in the

budget which was passed last August.

In the bill being reported from the Committee on Appropria-
tions there is a reduction of \$8 million. I am in agreement with
the fact that we should reduce the figure by \$8 million. I have
just presented amendments that will reduce general govern-
ment by \$16 million in the budget which we passed in August.

Mr. President, I, therefore, offer these amendments.

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

(The Senate was at ease.)

AMENDMENTS WITHDRAWN

Senator EARLY. Mr. President, I would like to withdraw my
amendments which were just offered and ask that the bill go
over in its order, as amended.

The PRESIDENT. Without objection, Senate Bill No. 770 will
go over, as amended.

FINAL PASSAGE CALENDAR NONPREFERRED APPROPRIATION BILLS RECOMMITTED

**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.

On the question,

Will the Senate agree to the motion?

Senator HAGER. Mr. President, these are the nonpreferred
appropriation bills. We objected to them going over in their
order yesterday; we object to them going over in their order to-
day. We have already acted upon most of them once and passed
them.

Someone from the other side of the aisle then moved for re-
consideration and has once again put them back in limbo. We
think it is time we take a position on the nonpreferreds and we
ask that we vote them.

Therefore, Mr. President, I ask everyone in this great
Chamber to join me in voting against these bills going over in
their order.

Senator MESSINGER. Mr. President, it is futile to pass an
appropriation bill without revenues to pay for it. If this is an
exercise to entertain some of the students who may be in the
gallery, it is a futile one because I am sure they are acquainted
with the fact that we can pass all the appropriation bills we
want, but if we do not have the revenue, they do not get paid.

Senator HAGER. Mr. President, in the hope that we are still
germane to the issue, may I say that I do not consider it futile
at all. As a matter of fact, as we have previously stated on this
floor, the Governor is in a position, any time he wants, to lapse

funds and pay the nonpreferreds. This is where we were before, this is where we are again.

Mr. President, I move that we vote these bills.

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, if I would make a motion to recommit these bills, would that have priority over the motion to put them over in their order?

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

(The Senate was at ease.)

The PRESIDENT. A motion to recommit would have priority, Senator.

MOTION TO RECOMMIT

Senator Coppersmith. Mr. President, I move to recommit the bills previously cited to the Committee on Appropriations.

The PRESIDENT. It has been moved by Senator Coppersmith that House Bill No. 1252 and all the other nonpreferred appropriation bills be recommitted to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator Tilghman. Mr. President, I rise to oppose the motion to recommit these bills. I believe all of the bills on the Calendar were passed once by this Body. They were held by the Chair for some period of time and then appeared on the Calendar again. Let us leave them on the Calendar.

I also think that we should vote these bills and then send them to the Governor. It is up to him. He has a constitutional duty to either approve them or disapprove them. He can veto them if he wants to. When we send them to the Governor, he can find the money. They do not need \$300 million tomorrow if we pass these bills. They get their payments in small amounts of money and he can jolly well pay this money.

Mr. President, I think we should defeat this motion, leave them on the Calendar and then run every single bill.

And the question recurring,

Will the Senate agree to the motion?

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

Senator Mellow. 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—28

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

NAYS—21

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

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

The PRESIDENT. House Bills No. 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1275, 1276, 1279 and 1283 are recommitted to the Committee on Appropriations.

RECONSIDERATION OF SB 770

SB 770 (Pr. No. 1137) — Senator MESSINGER. Mr. President, I move that the Senate do now reconsider the vote by which amendments offered by Senator Early to Senate Bill No. 770, Printer's No. 1137, just passed.

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

On the question,

Will the Senate agree to the motion?

MOTION WITHDRAWN

Senator MESSINGER. Mr. President, at this time I withdraw my motion.

The PRESIDENT. Senator Messinger withdraws the motion to reconsider the vote.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator EARLY. Mr. President, I move that the Senate do now reconsider the vote by which amendments I offered to Senate Bill No. 770, Printer's No. 1137, just passed. I request that we vote on it immediately.

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

On the question,

Will the Senate agree to the motion?

Senator MESSINGER. Mr. President, may we be at ease for just a minute?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION WITHDRAWN

Senator EARLY. Mr. President, I wish to withdraw my motion and ask that the bill go over in its order.

The PRESIDENT. The Chair hears no objection and Senate Bill No. 770 will go over in its order, as amended.

FINAL PASSAGE CALENDAR RESUMED

RECONSIDERATION OF HB 247

BILL ON THIRD CONSIDERATION AMENDED

HB 247 (Pr. No. 2253) — Senator NOLAN. Mr. President, I

move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 13, by inserting after "TAX": and providing for its disposition

Amend Bill, page 4, lines 5 through 14, by striking out all of said lines and inserting:

Section 302. Imposition of Tax.—(a) There is hereby imposed an annual tax to be paid by resident individuals, estates or trusts at the [rate of two per cent] rates provided in subsection (c) hereof on the privilege of receiving each of the classes of income hereinafter enumerated in section 303.

(b) There is hereby imposed an annual tax to be paid by nonresident individuals, estates or trusts at the [rate of two per cent] rates provided in subsection

(c) hereof on the privilege of receiving each of the classes of income enumerated in section 303 from sources within this Commonwealth.

(c) The rates of the taxes imposed in the two preceding subsections shall be, for the taxpayer's calendar year 1978, two and one-quarter per cent; calendar year 1979, two and one-half per cent; calendar year 1980, two and three-quarters per cent; calendar year 1981, and thereafter, three per cent.

Section 3. Part X of Article III of the act is amended by adding a section to read:

ARTICLE III PERSONAL INCOME TAX

PART X

PROCEDURE AND ADMINISTRATION

Section 357.1. Appropriation of Additional Revenues.—So much of the proceeds of the tax imposed by this article which is attributable to the rate of tax imposed by section 302 which is in excess of two per cent shall be appropriated to the State Lottery Fund established pursuant to the act of August 27, 1971 (P. L. 351, No. 91), and shall be used as provided in the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Property Tax or Rent Rebate Act."

Amend Sec. 2, page 4, line 15, by striking out "2." and inserting: 3.

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

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

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

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

Amend Sec. 4, page 6, line 13, by striking out "4." and inserting: 5.

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

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

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

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

Amend Sec. 7, page 12, line 2, by striking out "7." and inserting: 8.

Amend Sec. 8, page 12, line 8, by striking out "8." and inserting: 9.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, my amendments attempt to raise the present two per cent income tax to three per cent, in steps up to the year 1980, taking the moneys derived from the increase and putting those moneys into the Lottery Fund for senior citizens' property tax and rent rebate.

We can follow this up by bringing the proposal, which has been referred to as the Messinger-Stauffer bill, out of committee which will wipe out property taxes. These amendments will address themselves to that purpose.

Mr. President, I ask for support of the amendments.

Senator HAGER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

The PRESIDENT. Will the gentleman from Allegheny, Senator Nolan, permit himself to be interrogated?

Senator NOLAN. I will, Mr. President.

Senator HAGER. Mr. President, the purpose of the Messinger-Stauffer bill was to effect a trade and, at the same time, provide one year's income of about \$120 million. Would these amendments do that or would they give all of the increase to senior citizens' relief and, in fact, raise no additional money to help solve this budget problem?

Senator NOLAN. Mr. President, the amendments as they are drawn would give all the increase to the senior citizens' property tax relief.

Senator HAGER. Mr. President, in other words, there would be no one-time \$100 million to \$120 million available to the Commonwealth to help solve this budget problem. Is that correct?

Senator NOLAN. That is correct, Mr. President, because I have amendments which I hope to offer to a bill which will be reported out of the Committee on Appropriations that will cut a sufficient amount of money, so that they will not need an increase in the State income tax.

Senator STAUFFER. Mr. President, in looking at the amendments, which I have seen for the first time just a few moments ago, I note that the relief indicated by the amendments of the gentleman from Allegheny, Senator Nolan, really does not come about. What we really have here is nothing more than an increase in the State income tax and putting into escrow that additional money for the senior citizens' property tax and rent rebate fund. There is no mechanism in here to distribute that increased money and, therefore, it would not provide any additional relief.

Of course, in referring to the legislation which the gentleman from Lehigh, Senator Messinger, has joined with me in sponsoring, that goes far beyond what we are talking about here. It goes into a great many areas which would create equity in the system rather than merely increase the State income tax.

For that reason, Mr. President, I would not be in support of

the amendments because they just do not do what we propose to do in Senate Bill No. 889, Senate Bill No. 890 and Senate Bill No. 891.

Senator NOLAN. Mr. President, I think I pointed out that we would be putting this money into the Lottery Fund for senior citizens' tax relief with the hope that the committee in charge of the Messenger-Stauffer bill would then bring that bill forward for a vote of the Senate. As I have pointed out, the moneys would then be available and there would be no reason to keep that bill in committee as is being done at the present time.

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—1

Nolan,

NAYS—48

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 302), page 4, line 7, by striking out "TWO AND THREE-TENTHS" and inserting: two and two-tenths

Amend Sec. 1 (Sec. 302), page 4, line 12, by striking out "TWO AND THREE-TENTHS" and inserting: two and two-tenths

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

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

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

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

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

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

On the question,

Will the Senate agree to the amendments?

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

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

Senator SMITH. I will, Mr. President.

Senator HAGER. Mr. President, what is the effect of these amendments?

Senator SMITH. Mr. President, we are reducing the personal income tax of 2.3 per cent now in House Bill No. 247, to 2.2 per cent, effective January 1, 1978. The corporate net income tax, which is now at eleven per cent, is reduced to 10.75 per cent, effective January 1, 1977.

Senator HAGER. Mr. President, I would like to make just a few comments. The gentleman states he is reducing it as it is in the bill. In fact, even with his so-called reductions he would be raising the personal income tax two-tenths of one per cent over its present rate and he would also be raising the corporate net income tax one and one-quarter per cent over its present rate. Is that correct?

Senator SMITH. Mr. President, that depends on which side of the aisle you are on. Substantively, that is correct.

Senator HAGER. Mr. President, I would also say for purposes of amendments and without anybody on the other side of the aisle, including the gentleman from Philadelphia, Senator Smith, thinking that this a commitment to vote for the bill, but because it is a movement in the right direction from yesterday, I expect to support these amendments.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

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

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,

Shall the bill pass finally?

Senator KURY. Mr. President, I believe that this bill has the same defects it had when it was before us just a few weeks ago. I shall vote "no" on this bill for the same reasons I indicated at that time.

And the question recurring,

Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator ARLENE. 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—38

Andrews,	Hess,	Moore,	Smith,
Bell,	Holl,	Nolan,	Snyder,
Corman,	Hopper,	O'Pake,	Stapleton,
Dougherty,	Howard,	Orlando,	Stauffer,
Dwyer,	Jubelirer,	Reibman,	Stout,
Early,	Kelley,	Romanelli,	Sweeney,
Fleming,	Kusse,	Ross,	Tilghman,
Gekas,	Lynch,	Scanlon,	Wood,
Gurzenda,	Manbeck,	Schaefer,	Zemprelli,
Hager,	Mellow,		

NAYS—11

Arlene,	Hankins,	Lewis,	Murray,
Coppersmith,	Hill,	McKinney,	Noszka,
Duffield,	Kury,	Messinger,	

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

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

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

HB 568 (Pr. No. 898) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 569 (Pr. No. 899) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 594 (Pr. No. 2169) — 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?

(During the calling of the roll, the following occurred:)
Senator HOLL. 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—29

Arlene,	Hankins,	Lynch,	Romanelli,
Coppersmith,	Hill,	McKinney,	Ross,
Corman,	Hopper,	Messinger,	Scanlon,
Dougherty,	Jubelirer,	Nolan,	Schaefer,
Duffield,	Kelley,	Noszka,	Smith,
Early,	Kury,	O'Pake,	Sweeney,
Gekas,	Lewis,	Orlando,	Zemprelli,
Gurzenda,			

NAYS—20

Andrews,	Hess,	Mellow,	Stapleton,
Bell,	Holl,	Moore,	Stauffer,
Dwyer,	Howard,	Murray,	Stout,
Fleming,	Kusse,	Reibman,	Tilghman,
Hager,	Manbeck,	Snyder,	Wood,

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

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

BILL OVER IN ORDER

HB 748 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 953 (Pr. No. 1059) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 964 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 968 (Pr. No. 1452) — Considered the third time,

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

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

Amend Sec. 1 (§ 12), page 1, line 16, by striking out "Budget is" and inserting: Act or new General Fund appropriation acts for the State-related universities are

Amend Sec. 1 (§ 12), page 1, line 17, by striking out "Budget" and inserting: Act or new General Fund appropriation acts for the State-related universities

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

PARLIAMENTARY INQUIRY

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

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

Senator NOLAN. Mr. President, I submit that these amendments are not germane to the bill before us at this time. It is a nonpreferred appropriation and it cannot be put in this bill. I would ask for a ruling by the Chair on these amendments.

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

Senator CORMAN. Mr. President, I merely wish to say that I do believe this is germane to the bill. Section 12 refers to the operating budget, the capital budget and many other things, and I am speaking merely of including the State-related institutions of Penn State, Pitt, Temple and Lincoln.

Mr. President, I believe the amendments are germane and would ask for a favorable ruling.

AMENDMENTS RULED OUT OF ORDER

The PRESIDENT pro tempore. The Chair rules that the amendments offered by Senator Corman are not germane to the bill.

DECISION OF CHAIR APPEALED

Senator CORMAN. Mr. President, I appeal the ruling of the Chair and ask for a roll call vote.

The PRESIDENT pro tempore. Senator Corman has appealed the ruling of the Chair.

On the question,

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

POINT OF INFORMATION

Senator BELL. Mr. President, I rise to a point of information. The PRESIDENT pro tempore. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, is this matter debatable?

The PRESIDENT pro tempore. It is, Senator.

Senator BELL. Mr. President, I have a copy of the Constitution in my hand and Article XI deals with amendments. There is nothing in Article XI which requires that different parts of the amendment be of the same nature. Therefore, I suggest that we vote to support the appeal of the Chair.

PARLIAMENTARY INQUIRY

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

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

Senator NOLAN. Mr. President, would you explain the vote? In order to uphold the Chair, we vote "yes." Is that so? We vote "yes" to sustain the ruling of the Chair.

The PRESIDENT pro tempore. That is correct, Senator. Those voting "yes" will uphold the ruling of the Chair and those voting "nay" will not uphold the ruling of the Chair.

And the question recurring,

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

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

YEAS—30

Arlene,	Kury,	Noszka,	Schaefer,
Coppersmith,	Lewis,	O'Pake,	Smith,

Duffield,	Lynch,	Orlando,	Stapleton,
Early,	McKinney,	Reibman,	Stout,
Gurzenda,	Mellow,	Romanelli,	Sweeney,
Hankins,	Messinger,	Ross,	Wood,
Hill,	Murray,	Scanlon,	Zemprelli,
Kelley,	Nolan,		

NAYS—19

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

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?

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?

Senator KURY. Mr. President, I rise to speak against this bill. I believe this bill is a step in the wrong direction for us and I believe it would set an unfortunate precedent.

What the bill does, Mr. President, is create, by constitutional mandate—that is assuming it passes two Sessions and becomes part of the Constitution—that we have an indefinite stopgap. What the bill says is that whenever we do not adopt an annual budget by July 1st, the preceding year's budget shall continue in full force and effect. There is no time limit set on that. This could last for several years. It could go on indefinitely. There is no limitation on it.

Mr. President, I believe in terms of what we have been through this year, in terms of the problems we are going to face in the years ahead, this represents a walk away from our constitutional responsibilities.

James Madison wrote that the greatest weapon which the Legislative Branch of government has, as elected representatives of a free people, is control over the executive purse. Of course, that is done through our control of the appropriations process and by the fact that the Chief Executive must submit and we must act.

In Pennsylvania our responsibility is not an easy one. We have been put into a situation where carrying out our responsibilities on the budget is made difficult by one very salient fact. We have to balance the budget for operating expenses. We cannot spend more than we are willing to pay for with revenue. That becomes very painful, as we are all aware.

Mr. President, I just note, in contrast, a story I read a few weeks ago about the United States Senate, a little article from the wire service, saying the United States Senate today overwhelmingly approved the Federal budget on time. Then I almost rolled off the chair laughing because they passed a budget on time with a \$61 billion deficit. Their deficit is twelve times what we spend here in a year. Therefore, for them to pass a budget on time is easy; for us, it is not easy because we have

to put our tax votes and our revenue raising votes where our spending votes are. This is difficult, we all know that from this year and I am going into now as to why we are where we are today. However, I do know that passing this legislation, as appealing as it may seem, is not the answer. This does not solve the problem we are going to face the rest of this year and next year and the year after. What this bill does, in my opinion—with all due respect to the sponsors—is throw up our hands and walk away and take the easy way out.

If we do not pass a budget, it is all right. We can all go home, the spending level will continue and there is nothing to worry about.

Mr. President, that is not acceptable to me and I do not believe it is acceptable to the people of this Commonwealth. The Governor of Pennsylvania today can be criticized for a lot of things, but he cannot be criticized for giving us the budget late. He gave us the budget on time this year. He did not delay and he is not the reason we are taking so long to act on it, at least in that sense. We must look to ourselves.

Mr. President, I have served in this Legislature for eleven years now and both parties have been in control at different times. The biggest criticism I have of the House and Senate as institutions is that both parties have to take the responsibility as we have not done enough to equip ourselves to deal with the budget.

The kinds of things the gentleman from Montgomery, Senator Tilghman, talked about yesterday—a budget office and really coming to grips with a budget system, having a continual monitoring or executive spending, performance auditing—are the kinds of things we have no one to blame but ourselves for not enacting. We cannot pass the buck to the other end of the Capitol, to the front office. We have ourselves to blame, to a large extent, for the situation in which we find ourselves, for the institutional system which has prevented us from really coming to grips with the responsibility we have.

Mr. President, I shall not prolong this. I just want to say in closing that the greatest responsibility we have, as Legislators, is to act on the budget. It is our ultimate check on executive power and is something to which we must address ourselves. I hope, in light of what has happened this year, we are going to take steps to have a budget office, to have performance auditing, to really make the appropriations process a meaningful examination of the budget and the executive rather than the ritual which I fear it has become.

Mr. President, passing this bill is not the answer; passing this bill is taking the easy way out. Therefore, I hope we will defeat this bill and really get down to the problems we face in dealing with the budget.

The PRESIDING OFFICER (Edward P. Zemprelli) in the Chair.

Senator BELL. Mr. President, if we had had this constitutional amendment as the law in Pennsylvania we would not be here tonight. We would not have had the horrible fiscal mess this State has gone through this year. We would not have had 2,000 college students out on the plaza today asking for money so that their institutions of higher learning would not close.

I wish I was one of the sponsors of this amendment. I introduced a bill of the same type which was not reported out of committee. The purpose of this amendment is to stop payless paydays. It is to stop both political parties using welfare recipients as political pawns as they try to force through different types of appropriations. Welfare recipients have no back-up and when you deprive them of money for a week or two weeks, people go hungry.

Next, if this becomes the law of Pennsylvania, the creditors of the Commonwealth will be paid on time. There will not be the situation where the hospitals were not paid for months on end.

I say this is a proper procedure and I beg those who sit on both sides to not consider this as a political measure, Republican or Democrat, but vote for it for the good of this Commonwealth.

Senator MELLOW. Mr. President, I have just a brief rebuttal to my good friend, the gentleman from Northumberland, Senator Kury, because I find some difficulty with a few things he stated.

First, I do not think the enactment of a constitutional amendment, which will continue the level of one spending for the following year if a new budget is not enacted, is a matter of taking the easy way out. I realize there is a very popular song that goes along those lines of taking the easy way out, but this is not what we are doing here. We are working and have been working for the past seven or eight months. We are not taking the easy way out; we have worked to try to come up with a budget.

Regardless of what may have been stated earlier, the Governor must still present to the Legislature a budget. He must give his budget to us in plenty of time so that if the Legislature, in its wisdom, would like to enact a new budget, we will have the opportunity to do that.

There is no way that we, in this particular proposal, are giving up any of our legislative authority because we still have a constitutional mandate to enact a budget, a balanced budget. These are things we would like to avoid. That is the reason for my introduction of this particular piece of legislation. Since I have come here in 1970, we have had a number of years in which the State either came to a grinding halt or we had to pass stopgap measures. Since 1963 we have had ten years in which we have had to pass stopgap measures. I think it is about time we get away from doing that.

The thing I believe we should be looking to is some type of budgetary reform. We have been talking about this now for months on end, that budgetary reform has to come from the proposals of zero based budgeting. It has got to come from the proposals of sunset legislation and, yes, it has got to come from the proposals of a continuing appropriation. There is no greater way for us to enact sunset legislation. If we do not do it by enacting the bill per se, then we must do it by setting up, through our budgetary process, the type of procedures where we can fund projects and programs that are working and those programs that are not working we do not have to fund.

As stated so ably by the gentleman from Delaware, Senator Bell, if we did have this type of provision today, we would not have had the college students here demonstrating, because

back in August we would not have been able to take the nearly \$300 million which was set aside last year for nonpreferred appropriations and make it part of our preferred appropriations. Therefore, we would have had the necessary money to take care of our State-related institutions without a tax increase.

I believe by taking our budgetary reform into consideration this is a step in the right direction. Those of us who are interested in the proper type of reform with our budget are interested in this provision, a constitutional amendment, which will provide for a continuing appropriation.

Mr. President, I would ask each Member to support this provision.

Senator COPPERSMITH. Mr. President, I rise to speak on behalf of this proposal. It is not something that is completely right and in the distant situation, completely wrong. You have to balance the good and the bad in these proposals.

In my opinion, this proposal would eliminate, as a tactic, the procedure when July 1st arrives or the time when the stopgap expired, the State is shut down, the welfare checks are stopped, the payroll checks are stopped and the functions of State government grind to a halt. I think we can eliminate this type of tactic as a method to arrive at a budget solution without diminishing the legislative control which we have over the budget.

In any function of life you must operate within certain ground rules. I believe the people of Pennsylvania and many of the Members of the Legislature want to eliminate what has been going on in the past as one of the accepted methods by which we achieve a budget for the coming year. I do not see where much will be lost by providing that the functions of State government will continue regardless of whether or not the Legislature agrees. I think it will be an inducement for the reform that has been discussed.

A great deal of footdragging has occurred. I think Pennsylvania—for being the major State it is, having the budget expenditures it does—does not have an adequate budget office in the Legislature with which to analyze expenditures. We are always at a great disadvantage in dealing with the Executive Branch. That is a bad mistake. If we want to emphasize legislative power, we should emphasize the developing of a budget office, but eliminate as a tactic the shutting down of State government functions whenever we cannot agree on a budget.

Senator STAUFFER. Mr. President, I too would like to speak in favor of this bill. In the dialogue of the gentleman from Northumberland, Senator Kury, he spoke about responsibility. I think it is important to note that our responsibilities will be no less if we have a constitutional amendment of this type approved.

However, Mr. President, I think we have to face the facts of the situation. Too many times in the past we failed and I suppose we have reached the point where the people need the opportunity to decide if they would like some protection when we fail. What we are doing in proposing a constitutional amendment of this type is saying that the people may speak to the question. If we put this on the ballot, it is up to the people to decide whether they think this is the right route for us to go.

We had the Federal experience to use as a guide post because we have never seen the situation in Washington where we have

the protestors and so forth march because there has been no budget passed. The fact that they have deficits and so forth is a weakness in the Federal system, but it is not a weakness that results from a provision that enables a budget to be carried forth from one year to the next. The people will have the protection under our Constitution if we do have a budget continue, it will not be a deficit budget because our Constitution will not allow that.

Mr. President, I feel this is a good proposal and we should let the people speak to it. Today is our first opportunity to move this subject forward in order that the people may make the decision.

Senator HAGER. Mr. President, I have only one comment. I disagree with most of what was said by the gentleman from Northumberland, Senator Kury. However, I would like to read back to the Members on his side of the aisle something he said which I agree with entirely.

He stated that we have to put our tax votes and our revenue votes where our spending votes are.

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

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

Senator MELLOW. I will, Mr. President.

Senator MESSINGER. Mr. President, in the event that we have a deficit such as we did this year, how can we fund State government at the same level if we do not arrive at a budget on time?

Senator MELLOW. Mr. President, is the gentleman referring to the deficit which was carried into this year's budget?

Senator MESSINGER. That is correct, Mr. President.

Senator MELLOW. Mr. President, at that point we would then have to amend the budget, which is provided for in this constitutional amendment, to reduce the budget by that particular deficit.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—34

Bell,	Hager,	Manbeck,	Schaefer,
Coppersmith,	Hess,	Mellow,	Snyder,
Corman,	Holl,	Moore,	Stapleton,
Dougherty,	Hopper,	Murray,	Stauffer,
Dwyer,	Howard,	Nolan,	Stout,
Early,	Jubelirer,	O'Pake,	Sweeney,
Fleming,	Kelley,	Orlando,	Tilghman,
Gekas,	Kusse,	Reibman,	Zemprelli,
Gurzenda,	Lewis,		

NAYS—14

Andrews,	Hill,	Messinger,	Ross,
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Arlene, Duffield, Hankins,	Kury, Lynch, McKinney,	Noszka, Romanelli,	Scanlon, Smith,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

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.

GUESTS OF SENATOR CLARENCE F. MANBECK
PRESENTED TO SENATE

Senator MANBECK. Mr. President, because I was getting home late recently, I invited one of the best cooks in Pennsylvania to come and be with us. She brought several friends with her. I would hope that you would extend the usual warm welcome of the Senate to Mr. and Mrs. Marlin Zimmerman and Mrs. Manbeck.

The PRESIDING OFFICER. Senator, it is, indeed, a great pleasure for the Chair to speak highly on behalf of Mrs. Manbeck, because I think it may have been my privilege to have known her at about the same time you did, sir. Mrs. Manbeck had the distinct pleasure of being a constituent of the Forty-fifth Senatorial District before having married you. She was a resident of that great place known as Elizabeth Township which is in the center of my Senatorial District. I know her family and I have attested to her fine gourmet cooking in having devoured part of her apple pie as well as her fine cooking of

the Pennsylvania Dutch origin.

Eve is a fine and good friend and we love her truly. If she has a friend in the gallery, I am sure we would love her just as much had we known her as well as we knew Evie. Senator Murray also sends his love.

(Applause.)

GUEST OF SENATOR EDWARD M. EARLY PRESENTED TO SENATE

Senator EARLY. Mr. President, I would like to take this opportunity to welcome an individual, who is also sitting in the gallery, who served with me and a few of my colleagues in the House of Representatives, Galen Dreibelbis.

The PRESIDING OFFICER. The Chair is very happy to have the gentleman with us. I am sorry we do not know him as well as we know Mrs. Manbeck and, therefore, we cannot say as many nice things. However, we would like to extend the warm welcome of the Senate to him.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1021 (Pr. No. 1409) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 13), page 5, line 12 by striking out all of said line and inserting: act of the General Assembly.

Amend Sec. 1 (Sec. 11), page 5, line 19 by striking out "THE" where it appears the first time and inserting: this

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, my amendments attempt to put the bill back in the form in which it was when it passed one Session of the Legislature so that we can pass it for the second time. It will then be sent to the House for concurrence in order that it can be put on the ballot for the next Primary Election.

Senator STAUFFER. Mr. President, I rise to oppose these amendments and would point out to the Members of the Senate what the gentleman from Allegheny, Senator Nolan, is attempting to do is remove an amendment which I successfully inserted into the bill a few weeks ago.

If my colleagues will recall, the issue concerns the confirmation process for newly appointed judges. I want to caution everyone to recognize that this does not just relate to judges of the Commonwealth or Superior Courts but it also relates to all judges, including the judges of the Courts of Common Pleas in our respective Districts.

The language which appeared in that bill, before my amendment was inserted, would have permitted the elimination of the

confirmation process. It would have done away with a privilege the Senate has had for a long time and one which I believe we value very highly and should maintain.

For that reason, Mr. President, I would respectfully urge the Members to oppose these amendments in order that we can maintain the confirmation process for newly appointed judges.

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

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

Senator STAUFFER. I will, Mr. President.

Senator NOLAN. Mr. President, is it not true that the amendment inserted by the gentleman definitely changes the wording as it was passed in the last Session of the Legislature?

Senator STAUFFER. That is true, Mr. President.

Senator NOLAN. Is it not true, Mr. President, that if we permit this language to remain in this bill it would be 1979 before we could act again on this bill?

Senator STAUFFER. It is our position, Mr. President, regardless of that, this question could not go before the voters prior to that time because the original passage of the bill violated the constitutional provisions regarding the proposal of a constitutional question.

Senator NOLAN. It would seem to me, Mr. President, that the change should have been made the first time this bill was moving through the Legislature.

Senator STAUFFER. Mr. President, I would agree with the gentleman, but I would hasten to add that when this bill was considered it was at a very hectic time at the end of a Session and the truth is, it was something which escaped everyone's attention.

In addition, the fact that it was considered beyond the time period when it should have properly been considered made it a moot point as far as most of us were concerned. Therefore, we were not overly concerned because we recognized that it would have to begin anew, in a new Session of the General Assembly.

And the question recurring,

Will the Senate agree to the amendments?

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

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The lady will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

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

YEAS—20

Coppersmith,	Kury,	Nolan,	Ross,
Early,	Lewis,	Noszka,	Scanlon,
Gurzenda,	Mellow,	O'Pake,	Schaefer,
Hill,	Messinger,	Orlando,	Stapleton,
Kelley,	Murray,	Romanelli,	Stout,

NAYS—28

Andrews,	Fleming,	Howard,	Reibman,
Arlene,	Gekas,	Jubelirer,	Smith,
Bell,	Hager,	Kusse,	Snyder,
Corman,	Hankins,	Lynch,	Stauffer,
Dougherty,	Hess,	Manbeck,	Sweeney,
Duffield,	Holl,	McKinney,	Tilghman,
Dwyer,	Hopper,	Moore,	Zemprelli,

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

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

REQUEST FOR BILL OVER IN ORDER

Senator KELLEY. Mr. President, I ask that Senate Bill No. 1021 go over in its order.

The PRESIDING OFFICER. The Chairs hears no objection. Senate Bill No. 1021 will go over in its order.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1032 (Pr. No. 1417) — Considered the third time,

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

REQUEST FOR BILL
OVER IN ORDER

Senator STAUFFER. Mr. President, I ask that Senate Bill No. 1032 go over in its order.

Senator HILL. I object to the bill going over, Mr. President.

Senator STAUFFER. Mr. President, in the markup session today with the leadership this was discussed and it was agreed that this bill could be put over until tomorrow.

The PRESIDING OFFICER. It is my understanding if there is an objection to the bill going over, the objection must be honored, Senator Stauffer.

MOTION FOR BILL OVER IN ORDER

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1032 go over in its order.

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

Senator NOLAN. Mr. President, I request a roll call vote.

And the question recurring,
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 by vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—23

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

NAYS—25

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

So the question was determined in the negative, and the motion was 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?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Hill.

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

Senator HILL. I will, Mr. President.

Senator KELLEY. Mr. President, will the gentleman concisely explain the general content of Senate Bill No. 1032? I had anticipated the bill would be going over and I would like to have his considered judgment as to the content of this bill.

Senator HILL. Very briefly, Mr. President, this bill came about because of the part of the Judicial Code we had earlier in the Session. At that time the county commissioners, or some of the county commissioners, did not approve of the Code because

they felt the Supreme Court could mandate them to construct facilities for the courts for which they might not have the money and might not want to put up the money for those facilities.

The major thrust of Senate Bill No. 1032 is to state specifically that the county commissioners have the say on the money and the Supreme Court cannot tell them to spend county money for certain facilities in their county. It also opens up the Supreme Court to the Sunshine Law. That is, it opens all of the meetings of the Supreme Court except those in which they deliberate on a specific case. It opens the meetings in which they go over the Supreme Court rules and the rules of the other courts and those types of meetings. It does not open the Supreme Court meetings in which they go over the decision they are going to make on each case. That is the basic point.

Senator STAUFFER. Mr President, there is no question that it is good legislation. The only reason that we had asked for the bill to go over is, in checking the bill, there was a question from our legal staff regarding the effective dates in the bill and how the pieces mesh together. Because of that, in the hope that we could resolve that and be certain that the effective dates meshed properly, we had hoped the bill could go over until tomorrow and that we would not find there would be a nullity at a later point which would cause a problem and perhaps be an embarrassment to the Senate.

Mr. President, the legislation is good. There is just the one question. It may well be that the bill is fine. However, we merely wanted time to check that effective date.

Senator BELL. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Hill.

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

Senator HILL. I will, Mr. President.

Senator BELL. Mr. President, would the gentleman turn to page 4 of the bill, section 3547, line 15?

It appears to me, Mr. President, that what the gentleman said with respect to the Supreme Court also applies to the local courts now, since they are a unit of the Unified Judicial System, anything they do "... which relates to system and related personnel, the salaries, fees or expenses ..." would likewise have to be cleared with the county commissioners or county council. Am I correct in that interpretation?

Senator HILL. That is right, Mr. President.

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

Mr. President, this is one of the reasons this bill should go over because, although I am ready to vote for a bill that will put the controls over the Supreme Court coming into my county and ordering things to be done, I am not ready to vote for a bill that will give my county councilmen the power over my courts. If the bill is called up for a vote—I guess it will be because we are outvoted on the bill going over in order—I am going to vote "no." I do not think it is right to give county commissioners control over the county court.

And the question recurring,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hankins,	Manbeck,	Ross,
Arlene,	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,	Romanelli,	Zemprelli,
Hager,	Lynch,		

NAYS—2

Bell, Reibman,

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

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

BILL RECOMMITTED

SB 1088 (Pr. No. 1286) — Senator MELLOW. Mr. President, since Senate Bill No. 1088 deals basically with the same thing as Senate Bill No. 1021, one being the emergency provision and the other not being, I now move that Senate Bill No. 1088 be recommitted to the Committee on Constitutional Changes and Federal Relations.

On the question,

Will the Senate agree to the motion?

Senator HILL. Mr. President, I object to Senate Bill No. 1088 being recommitted.

And the question recurring,

Will the Senate agree to the motion?

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

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

The PRESIDING OFFICER. 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—30

Andrews,	Gurzenda,	Kusse,	Schaefer,
Bell,	Hager,	Lynch,	Smith,
Coppersmith,	Hess,	Manbeck,	Snyder,
Corman,	Holl,	Mellow,	Stapleton,
Dougherty,	Hopper,	Moore,	Stauffer,
Dwyer,	Howard,	Nolan,	Stout,
Fleming,	Jubelirer,	Orlando,	Tilghman,
Gekas,	Kelley,		

NAYS—18

Arlene,	Kury,	Noszka,	Ross,
Duffield,	Lewis,	O'Pake,	Scanlon,
Early,	McKinney,	Reibman,	Sweeney,
Hankins,	Messinger,	Romanelli,	Zemprelli,
Hill,	Murray,		

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

The PRESIDING OFFICER. Senate Bill No. 1088 is recommended to the Committee on Constitutional Changes and Federal Relations.

BILL OVER IN ORDER

SB 1093 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1115 (Pr. No. 1384) — 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,	Zemprelli,

NAYS—0

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

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

BILLS OVER IN ORDER

SB 1121 and 1123 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1141 (Pr. No. 1350) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 2, line 1, by striking out "to meet demonstrated need for" and inserting: in areas of the Commonwealth in need of

Amend Sec. 3, page 2, line 2, by inserting a question mark after "facilities"

Amend Sec. 3, page 2, line 2, by striking out "in the Commonwealth?"

Amend Sec. 5, page 2, line 10, by striking out "provide" and inserting: make loans

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

Senator SNYDER. Mr. President, as I understand the amendments offered by the gentleman from Lehigh, Senator Messinger, they would revise the language so that the proposed nursing home loans would go "in areas of the Commonwealth in need of," et cetera. If the hour were not so late, I would ask for a roll call on the amendments, but I will not.

I think this is a bad bill to start with. This does not sweeten it any. I had an experience in my county where under the existing nursing home loan act, after we waited thirteen months for the bureaucracy to make the first loan, they then, I think, discriminated in the sense that we did not get the loan because our county already had too many beds. The beds they measure are those that are in the denominational homes—in the Masonic Home, for example. I do not have any confidence in the ability for the bureaucracy to measure what areas of the Commonwealth are in need of beds.

I guess the reason I do not care much about the amendments is that I am hoping that the whole bill is rejected tomorrow. I think the State government would be best not meddling any further in the matter of funding homes. Leave that to the enterprises that are now doing it and let us keep our State government to running the things for which it has a primary responsibility.

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

They were agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1197 (Pr. No. 1598) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Fleming,

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

Ordered, That the Clerk return said bill to the House of Rep-

representatives with information that the Senate has passed the same without amendments.

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

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

MEMBER OF THE BOARD OF TRUSTEES OF CONNELLVILLE STATE GENERAL HOSPITAL

November 2, 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 September 28, 1977 for the appointment of Mrs. Jane S. McPherson, 215 North Tenth Street, Connellsville 15425, Fayette County, Thirty-second Senatorial District, as a member of the Board of Trustees of Connellsville State General Hospital, to serve until the third Tuesday of January 1983, and until her successor is appointed and qualified, vice Paul J. Rohal, South Connellsville, whose term expired.

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

MILTON J. SHAPP.

MEMBER OF THE 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.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE OF COMMONWEALTH COURT

October 28, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard DiSalle, 145 Phillips Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as Judge of Commonwealth Court, to serve until the first Monday of January, 1980, vice Honorable Harry A. Kramer, Pittsburgh, deceased.

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.

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.

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.

COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY— OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

November 1, 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 Carl O. Dickerson, 1800 East Mohican Street, Philadelphia 19138, Philadelphia County, Thirty-sixth Senatorial District, for reappointment as

a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF STATE COLLEGE
AND UNIVERSITY DIRECTORS

September 16, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as a member of the Board of State College and University Directors:

Ms. Beverly Schiffrin, 507 Conshohocken State Road, Gladwyne 19035, Montgomery County (Reappointment), Seventeenth Senatorial District, to serve until June 30, 1983, and until her successor is appointed and qualified.

MILTON J. SHAPP.

COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—
OF THE COMMONWEALTH SYSTEM OF
HIGHER EDUCATION

November 2, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Honorable Robert W. Williams, Jr., 511 Westview Street, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District for reappointment as Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1981, and until his successor is appointed and qualified.

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 Hokendaqua 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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for the Honorable Richard DiSalle, as Judge of Commonwealth Court, which requires a two-thirds majority vote.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—48

Andrews,	Hager,	Lynch,	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,	Zemprelli,

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for George T. Kelton, Esquire, as Judge of the Court of Common Pleas for Bucks County, which requires a two-thirds majority vote.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—48

Andrews,	Hager,	Lynch,	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,	Zemprelli,

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the remainder of the nominations reported from committee today and previously read by the Clerk, which require a majority vote.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—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,	Zemprelli,

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION LAID ON THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of Alfred R. Johnson, as a member of the State Horse Racing Commission.

This nomination was previously laid on the table October 25, 1977.

The Clerk read the nomination as follows:

MEMBER OF THE STATE HORSE RACING COMMISSION

August 15, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alfred Raymond Johnson, 26 Midway Road, Mount Lebanon, Pittsburgh 15216, Thirty-seventh Senatorial District, for reappointment as a member of the State Horse Racing Commission, to serve until May 28, 1980, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP.

On the question,

Will the Senate advise and consent to the nomination?

Senator TILGHMAN. Mr. President, as I have on previous occasions, I rise to oppose the nomination of Mr. Johnson as Chairman of the Thoroughbred Horse Racing Commission of Pennsylvania. The Horse Racing Commission of Pennsylvania is recognized throughout the East Coast as the most incompetent Commission in the eastern part of the United States and, indeed, is considered by many writers—and I am including ar-

ticles I have from the Florida newspapers—as the most incompetent Horse Racing Commission in the United States.

Mr. Johnson has been the head of this Commission and he is totally incapable in every conceivable way of fulfilling the duties of this office. He is not attentive to his duties. When he calls meetings of the Horse Racing Commission, he has held several of the meetings in a motel close to the Pittsburgh Airport that is convenient to him. It is not convenient to the horse racing people in the Commonwealth of Pennsylvania.

I have told the Members of the Senate on previous occasions of the incident which occurred some months ago—I am looking for the exact date—in 1975, in which Mr. Johnson, as the Chairman of the Horse Racing Commission, and, indeed, all the commissioners, had an American Express card on the Commonwealth of Pennsylvania which he could have used to charge all his expenses.

Mr. Johnson also had an expense card for all expenses from the International Brotherhood of Electrical Workers. I have here the number of his International Brotherhood of Electrical Workers expense card.

Mr. Johnson chose to bill his air flights on the Electrical Workers charge plate and I have all of them right here. He then turned around and sent an invoice, or a billing, or a voucher, whatever you want to call it, to the Commonwealth of Pennsylvania for these expenses that were being paid for by the Electrical Union and received the money from the Commonwealth of Pennsylvania. In other words, it was a double dip. When this was brought to Mr. Johnson's attention when he came to my office with Mr. Michael Johnson, when his nomination first came up in this Senate, I acquainted him with these facts. He got rather confused and said he would pay the money back.

He told us in our caucus on October 18th that he had paid this money back to the Commonwealth of Pennsylvania. That is not correct. He has not paid back all the money to the Commonwealth of Pennsylvania.

In his conversation Mr. Michael Johnson, who was then affiliated with the AFL-CIO, told me that a union member who did this was subject to dismissal from the union.

I said, "Mike, here are all the papers; anybody can get them, it is public information, dismiss the gentleman." He was not dismissed.

I said to Mr. Johnson, "You had an American Express travel card on the Commonwealth of Pennsylvania, why did you not use it?"

He said, "Well, I really do not know." That is reason enough to disbar anybody from holding such an office in Pennsylvania. These papers are available if anyone wishes to see them.

It has now turned up that Mr. Johnson owns trotting horses to which he admitted in our caucus when we asked him the question. I have here a program for The Meadows. He owns a horse named "Vicky Electra" and he admitted—and it certainly shows it on the record—it does not do particularly well in trotting. However, I do not think it is appropriate for a man who is running flat racing in Pennsylvania to be racing trotting horses on the trotting tracks in Pennsylvania.

You must also recognize that this is the gentleman who took the drug testing for thoroughbred horses in Pennsylvania away from a public laboratory that was testing these animals in

Philadelphia—testing the urine and blood samples—which is a recognized laboratory on the East Coast and combined the testing of thoroughbred race horses in Pennsylvania with the harness racing laboratory owned by the Commonwealth.

His horses, if they win anything, are subject to testing, are tested by the harness racing laboratory where he is also having the thoroughbreds tested in Pennsylvania and he controls the rules and regulations of the thoroughbred tracks in Pennsylvania.

It is a clear conflict of interest. If any one of us in the Senate did a similar type thing, under today's morality and today's standard, we would be in some serious trouble.

In addition to this—and we are now talking about the activity of the Commission in regulating racing in Pennsylvania, I do not wish to mention the gentleman's name I am going to talk about but I will show it to you—we have been informed there is a trainer working on the tracks in Pennsylvania known to the Horse Racing Commission who we believe to be an illegal immigrant from Canada. We are checking with the Philadelphia Immigration office. They are concerned about it. The man has been convicted of various—I do not know the legal word for it—convicted of various crimes and the crimes that he admits to conviction are fraud, conspiracy, and another offense in Ontario. Not only that, this man, as a trainer, is racing horses under different ownership on different tracks in Pennsylvania. The Commission knows this. They are supposed to have had hearings on it. A matter as serious as this should have been heard immediately.

I have clippings galore. I think this man is totally incompetent. He is the kind of person that if we had sunset he would have been phased out so long ago that it would have been impossible to keep him for a day after sunset legislation went in.

I urge you to reject this man as the Commissioner of the flat racing or Horse Racing Commission in the Commonwealth of Pennsylvania. He is incompetent.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate for the purpose of a Democratic caucus to be held in the meeting room of the Committee on Rules and Executive Nominations in the rear of the Chamber with the expectation of returning to the floor in a very short time.

The PRESIDING OFFICER. The Chair declares a five minute recess for the purpose of a Democratic caucus.

AFTER RECESS

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

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator SCHAEFER. Mr. President, during the recess of the Democratic Party, we were afforded the opportunity to meet with Mr. Johnson who was present during the time that the accusations were made by the gentleman from Montgomery, Senator Tilghman. I think much to his credit Mr. Johnson has demanded that these very serious allegations be answered in a

public forum. Obviously, he cannot come down here to respond personally to these charges.

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

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

Senator McKINNEY. I will, Mr. President.

Senator SCHAEFER. Mr. President, inasmuch as the gentleman is Chairman of the Committee on State Government, I would like to know if it would be possible for him to hold a hearing on these charges which were leveled by the gentleman from Montgomery, Senator Tilghman, wherein Mr. Johnson would be afforded the opportunity to reply.

Senator McKINNEY. Mr. President, the Committee on State Government is now in recess and I can hold a meeting tomorrow morning at 10:00 o'clock in the Majority Caucus Room.

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

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. Senator McKinney, is it correct that the Committee on State Government is now in recess?

Senator McKINNEY. Mr. President, the Committee on State Government is in recess at this time. The meeting to be held tomorrow will be for the purpose of a public hearing on the nomination of Mr. Johnson.

Senator SCHAEFER. Mr. President, I would like the record to show very clearly that Mr. Johnson has demanded this opportunity to meet these very serious charges. I would respectfully request that those persons making these accusations make an effort to attend this meeting.

The PRESIDING OFFICER. For the information of the Senate, the question arises as to whether or not a hearing called for tomorrow morning would meet with the requirements of the Sunshine Statute. It is the belief of the Chair that it will.

Senator ROSS. Mr. President, I move that the nomination of Alfred R. Johnson be laid on the table.

The motion was agreed to.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

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, are we to understand that the gentleman from Philadelphia, Senator McKinney, has called a meeting of the Committee on State Government tomorrow morning at 10:00 o'clock for the purpose of a public hearing on the nomination of Alfred Johnson?

The PRESIDING OFFICER. It is the Chair's understanding that Senator McKinney has requested a meeting of the Committee on State Government to consider the nomination of Mr. Alfred Johnson.

Senator McKINNEY. Mr. President, I have requested that all members of the Committee on State Government and all other interested parties be present tomorrow morning at 10:00 o'clock in the Majority Caucus Room.

The PRESIDING OFFICER. The Chair will request the Secretary of the Senate to make the appropriate announcement.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

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

BILLS ON SECOND CONSIDERATION

SB 386 (Pr. No. 1356) and **SB 511 (Pr. No. 1385)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 585, 648 and **662** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

SB 679 (Pr. No. 1418) and **HB 825 (Pr. No. 2202)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 947 (Pr. No. 1395) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LEWIS offered the following amendment:

Amend Sec. 1 (Sec. 2.1), page 3, line 17, by striking out "UNDER THIS ACT" and inserting: for amusement or admissions tax only

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS ON SECOND CONSIDERATION

SB 1000 (Pr. No. 1451), **SB 1059 (Pr. No. 1249)**, **SB 1085 (Pr. No. 1283)** and **HB 1196 (Pr. No. 1911)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE

Senator ARLENE, from the Committee on Labor and Industry, reported, as committed, **HB 677**.

SENATE RESOLUTION

SPECIAL SENATE COMMITTEE TO STUDY ALL ASPECTS OF THE STATE LOTTERY COMMISSION

Senators NOLAN, SMITH, ORLANDO and McKINNEY offered the following resolution (**Serial No. 62**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 15, 1977.

WHEREAS, The State Lottery Commission was established by the General Assembly on August 26, 1971 to conduct a State-wide lottery with the proceeds to benefit senior citizens; and

WHEREAS, Since the commission has been in existence for over six years and has administered a program involving millions of dollars of revenues for the Commonwealth's senior citizens, it is incumbent upon the General Assembly to examine the commission's performance during this period to ensure that it is functioning as intended and to determine whether any statutory or administrative improvements are warranted; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania directs the President pro tempore to appoint a special committee, composed of seven members, four from the majority and three from the minority, to conduct a thorough study of all aspects of the State Lottery Commission and its operation; and be it further

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

RESOLVED, That the committee report back as soon as its study is completed together with its findings and recommendations.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Theodore R. Wenrich, Jr. and to St. Hedwig's Roman Catholic Church by Senator Bell.

Congratulations of the Senate were extended to Michael Van Doren by Senator Ross.

Congratulations of the Senate were extended to St. John's Slovak Evangelical Church of Charleroi by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. George Sweda, Sr. by Senator Duffield.

Congratulations of the Senate were extended to the Greenville Lions Club by Senator Dwyer.

Congratulations of the Senate were extended to the United States Post Office at Weikert by Senator Kury.

Congratulations of the Senate were extended to Seymour G. Mandell by Senator Smith.

Congratulations of the Senate were extended to Miriam A. Novinger and to Wilma D. Jones by Senator Gekas.

Congratulations of the Senate were extended to Arthur Marvin Kunz by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. John G. Bouch and to Edward R. Golob by Senator Copper-smith.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Esther Velt by Senator Gekas.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 703, 781, 782, 839, 1111, 1137, 1144, 1172, 1177, 1180, HB 677, 1650 and 1765.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 16, 1977

10:00 A.M. STATE GOVERNMENT	Senate Majority
(Public Hearing on the nomination of Alfred R. Johnson as a member of the State Horse Racing Commission)	Caucus Room

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

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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TUESDAY, NOVEMBER 22, 1977

10:30 A.M. INSURANCE (to consider Senate Bills No. 736, 932, 1150 and 1200)	Room 170
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ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 16, 1977, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:22 p.m., Eastern Standard Time.