

Legislative Journal

MONDAY, DECEMBER 12, 1977

Session of 1977

161st of the General Assembly

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SENATE

MONDAY, December 12, 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 DAVID. R. FISHER, Pastor of Lakeside Lutheran Church, Harrisburg, offered the following prayer:

Let us pray:

Lord God, 'tis the season to be jolly, so we are told. The lights, tinsel and the music all seem to try to put us in that holiday spirit, full of cheer, generous and jovial.

Yet from the depths of our being we cry out, "Where are You, O God? How can we know You? Where can we find You?" We confess that we may be looking in the wrong places. We look for meaning and life through the inflation of our own self images; we seek the love and affection of others by masking our true feelings toward them; and we seek victories at the sacrifice of personal integrity.

Father, we know that none of these are of lasting value and we pray that we might look more toward You, for we know that You alone are the Most Holy, the truest source of lasting meaning in life.

Lord, help us to be true to our calling as Your servant and as servants of our neighbor. It is so easy to turn toward serving our own needs and comforts and those of people like ourselves. It is so easy to find excuses to ignore the crying needs of people whose behavior we have trouble accepting. It is so easy to stand for so-called convictions that really result in writing off people.

We pray that we might make our loyalty to You our first priority above all others. This day, as we deliberate issues that relate to the citizens of this Commonwealth of Pennsylvania, make us mindful of the larger needs in our world, for an end to racism and oppression, especially in South Africa; for lasting peace in the Middle East; for an end to the hunger and starvation in our world; and for a world where Your peace, Shalom, things as you intended them to be, might become a reality.

Create in us new hearts, O God, and renew a right spirit within each of us to the praise and glory of Your Holy Name. Amen.

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.

SENATOR MESSINGER TO VOTE FOR SENATOR LEWIS

Senator MESSINGER. Mr. President, at this time I request a legislative leave of absence for this Session, Monday, for Senator Craig Lewis who is taking part in a public affairs presentation at Pennsylvania State University.

The PRESIDENT pro tempore. The Chair hears no objection and a legislative leave of absence will be granted.

COMMUNICATION FROM THE GOVERNOR APPROVAL OF SENATE BILL

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

SB 1048.

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. This is a reminder that the Committee on Appropriations will meet today at 1:30 in Room 350. In addition to the nonpreferred appropriation bills, they will be considering Senate Bill No. 743, Senate Bill No. 744 and House Bill No. 401.

RECESS

Senator MESSINGER. Mr. President, at this time I request a recess of the Senate for the purpose of the meeting of the Committee on Appropriations at 1:30 and ask all Democratic Senators to stand by for the announcement of a caucus which will begin immediately after the Committee on Appropriations has completed its meeting, with the expectation of returning to the floor at approximately 3:30 p.m.

Senator FLEMING. Mr. President, we would ask all Republican Senators to await a call to caucus after the Committee on Appropriations has concluded its meeting.

The PRESIDENT pro tempore. The Senate will stand in recess until 3:30 p.m.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1665**, which was referred to the Committee on Finance.

HOUSE CONCURS IN AMENDMENTS TO SB 334, RECALLED FROM THE GOVERNOR

He also returned to the Senate **SB 334**, said bill having been recalled from the Governor for the purpose of amendment, the vote on final passage and third consideration was reconsidered in the Senate and the bill amended, in which amendments the House of Representatives has concurred.

REPORTS FROM COMMITTEES

Senator SMITH, from the Committee on Appropriations, reported, as committed, **HB 401, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1274, 1275, 1276, 1279 and 1283.**

Senator NOLAN, from the Committee on Urban Affairs and Housing, reported, as committed, **SB 944.**

BILLS REREFERRED

Senator NOLAN, from the Committee on Urban Affairs and Housing, returned to the Senate **SB 67, 217, 300, 301, 302, 303, 304, 306, 984, 1125, 1126, 1127 and 1128**, which were rereferred to the Committee on Appropriations.

SUPPLEMENTAL CALENDAR

FINAL PASSAGE CALENDAR

NONPREFERRED APPROPRIATION BILLS ON FINAL PASSAGE

HB 1252 (Pr. No. 2030) — On the question, Shall the bill pass finally?

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guizenda,	Lynch,	Romanelli,	

NAYS—0

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

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

HB 1253 (Pr. No. 2018) — On the question, Shall the bill pass finally?

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guizenda,	Lynch,	Romanelli,	

NAYS—0

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

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

HB 1254 (Pr. No. 2031) — On the question, Shall the bill pass finally?

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guizenda,	Lynch,	Romanelli,	

NAYS—0

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

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

HB 1255 (Pr. No. 2032) — On the question,
Shall the bill pass finally?

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Gurzenda,	Lynch,	Romanelli,	

NAYS—0

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

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

HB 1256 (Pr. No. 2034) — 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—46

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

NAYS—1

Kelley,

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

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

HB 1257 (Pr. No. 1480) — On the question,
Shall the bill pass finally?

Senator DWYER. Mr. President, I would like to call to the attention of the Members of the Senate that we are voting on nonpreferred appropriation bills. This is the first of that class of bills which is in the category that many of us feel does not belong in the taxpayers' trough as a special consideration.

These private institutions do receive Institutional Assistance Grants along with scores of others in the Commonwealth. There are four or five that also receive this double dip which I believe should be eliminated.

Mr. President, I would ask for a "no" vote to sustain the vote previously taken in the Senate and defeat this bill.

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—42

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

NAYS—5

Andrews,	Hess,	Kelley,	Kusse,
Dwyer,			

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

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

HB 1258 (Pr. No. 1481) — On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—4

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

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

HB 1259 (Pr. No. 2035) — 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—46

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

NAYS—1

Kelley,

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

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

HB 1260 (Pr. No. 1483) — 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—42

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

NAYS—5

Andrews,	Jubelirer,	Kelley,	Kusse,
Dwyer,			

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

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

HB 1261 (Pr. No. 1484) — On the question,

Shall the bill pass finally?

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

YEAS—41

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

NAYS—6

Andrews,	Hess,	Kelley,	Kusse,
Dwyer,	Jubelirer,		

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

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

HB 1262 (Pr. No. 2033) — On the question,

Shall the bill pass finally?

Senator NOLAN. Mr. President, the last time this bill was before the Senate it was defeated. I believe one of the things which contributed to the defeat of this appropriation was the fact that there was a labor dispute at the University of Pennsylvania between the Teamsters and the University.

Last Thursday I was asked, because of my thirty years in the labor movement, to act as a mediator between both parties to try to have the University and Union come together on an agreement that would return the employees to work at the University. I am happy to report we have reached that agreement with both parties, it has been signed by both parties and all the employees of that University who have been out of work will be returned to work. Notices will be sent to them tomorrow informing them that they will be returning to their jobs.

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—45

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

NAYS—2

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

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

HB 1263 (Pr. No. 1486) — 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—46

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

NAYS—1

Kelley,

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

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

HB 1264 (Pr. No. 1487) — On the question, Shall the bill pass finally?

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

YEAS—43

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

NAYS—4

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

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

HB 1270 (Pr. No. 1493) — On the question, Shall the bill pass finally?

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guorzenda,	Lynch,	Romanelli,	

NAYS—0

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

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

ARRIVAL OF SANTA CLAUS

The PRESIDENT pro tempore. Santa Claus has arrived in town early and he would just like to walk by and say hello.

SANTA CLAUS. Merry Christmas.

(Applause.)

The PRESIDENT pro tempore. This Santa Claus is an old reconverted Senator.

FINAL PASSAGE CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS ON FINAL PASSAGE

HB 1272 (Pr. No. 1495) — 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—42

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

NAYS—5

Andrews,	Hess,	Kelley,	Kusse,
Dwyer,			

A constitutional two-thirds majority of all the Senators hav-

ing 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 1273 (Pr. No. 1496) — 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—46

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

NAYS—1

Kelley,

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

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

HB 1275 (Pr. No. 1498) — On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, the Members will recall that when this bill was considered originally by the Senate it was rather soundly defeated. The issue which arose in the defeat of House Bill No. 1275 was the fact that, in addition to its very fine function of providing a wonderful museum, the Franklin Institute Research Laboratory is a competitive, functioning research laboratory which competes with private enterprise businesses of the Commonwealth for various contracts.

Those who are involved in the private enterprise sector raised the issue that it was unfair for the Commonwealth to provide tax-free status and, in addition, for this organization to receive an appropriation, the argument being made that this would provide an unfair type of competition.

Following the vote on that bill, the gentleman from Lancaster, Senator Snyder, and I had the opportunity to meet with Dr. Dees and other officials of the Franklin Institute of the State of Pennsylvania and in the course of our discussions, we learned and were told that the consideration of spinning off the research laboratory and providing that it become a separate entity, which would be a tax-paying entity and would be able to properly compete, was underway and it was expected that this would take place. We were told that meetings of the board of directors of the Franklin Institute had been held and that this

issue was one which was very much alive, very much being considered, and that, by the December meeting, it was expected that a decision would be forthcoming.

We are in the beginning of December and, of course, they have not yet had that meeting. It is my view that we should give them the opportunity to have the December meeting and conclude their deliberations on this issue and make the decision and, at that time, if the decision has been made to spin off the laboratory, we can then proceed with the appropriation.

MOTION FOR BILL OVER IN ORDER

Senator STAUFFER. Mr. President, because of the pending meeting of the board of directors of the Franklin Institute of the State of Pennsylvania, at this time I would like to move that House Bill No. 1275 go over in order.

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

Senator KURY. Mr. President, I will oppose the motion of my colleague from Chester, Senator Stauffer. My understanding of the facts are not the same as his. I understand that the Franklin Institute of the State of Pennsylvania is not in competition with private corporations. At one point there was a question involving scanning electronic microscopic services. However, in that case, the two industries that were involved got their equipment after the Franklin Institute, not before. I understand that since that time the Franklin Institute is going to phase that out.

Mr. President, I do not believe that is any reason for us to hold off in our appropriation to the Franklin Institute of the State of Pennsylvania.

Mr. President, earlier this year I and my Committee on Consumer Affairs had occasion to visit the Franklin Institute when we were in Philadelphia at the Philadelphia Port Authority. We saw firsthand some of the outstanding work the Franklin Institute is doing, for example, in the field of solar energy.

One of the things which impressed me was the nationwide telephone answering service they have for helping people with solar energy.

It seems to me, Mr. President, this kind of service is not in competition with private industry, it is helping private industry. By encouraging people to do things like insulate and use solar energy, it is providing the background information which will encourage people to call their local contractor and put this kind of material to work in their homes, which is the kind of thing we should be encouraging.

I came away from the Franklin Institute with a great impression that they are doing outstanding work, not only for the Commonwealth but also for people outside of Pennsylvania. They are doing the kind of work private industry cannot do, or is not doing, and I believe, therefore, we should support them.

What we are considering here is \$400,000 and I believe we should appropriate it today. Therefore, Mr. President, I urge my colleagues to oppose the motion of the gentleman from Chester, Senator Stauffer.

Senator MESSINGER. Mr. President, I also oppose this motion, because we are already practically six months into the fis-

cal year. If there is a question about it and if they do not do as indicated, we are at a position where we are almost ready to begin the next year's budget deliberation and that is the time to remind us whether or not Franklin Institute of the State of Pennsylvania really deserves or does not deserve this appropriation, and not at this moment.

Senator STAUFFER. Mr. President, it seems that we go round and round on this issue.

First of all, I do not believe that the gentleman from Northumberland, Senator Kury, and I are in disagreement because I totally agree that the Franklin Institute of the State of Pennsylvania does do a great deal of wonderful work. We are only talking about a particular facet of their work.

I say to the gentleman, Mr. President, that they are in competition with private enterprise. If the gentleman would like to come to my office, I will show him advertisements that they run in various trade journals advertising their services. I will show the gentleman contracts that have been awarded to them in competitive bidding against the private enterprises of Pennsylvania.

I might say, Mr. President, since the debate on this issue has erupted, I have begun to receive a great deal of correspondence from people of whom I had not been aware formerly, who are engaged in this industry and who are providing additional illustrations of the type of competition that exists and the unfairness of it. I believe it is important to note these same people are now saying, "You have just raised our corporate net income tax another one per cent and we are going to be forced to pay even higher taxes. We are satisfied to do that, but at least we should be able to compete fairly in the marketplace rather than have a government-subsidized agency come and provide the competition where they can undoubtedly bid below us because they enjoy a special status."

Mr. President, I am not proposing that we do away with the aid that we make to the Museum of the Franklin Institute of the State of Pennsylvania. What I am suggesting is that we just delay until they make the decision in December and if they carry through, as the gentleman from Lehigh, Senator Messenger, has indicated, in making the change, then without any problem, we can go ahead and make the appropriation and we will have done a service to the free enterprise system in Pennsylvania.

Senator CIANFRANI. Mr. President, being somewhat acquainted with these appropriation bills, having dealt with them year after year, I am fully aware of the problem of the gentleman from Chester, Senator Stauffer. It is a valid one.

This situation has not surfaced recently. We have, however, had complaints in that area. I would say to the gentleman that to separate the bill or leave it on the table or wait until a later date, I believe, at this time, it would be singling out a great institution which does a wonderful job. I believe the gentleman will agree with me on that point.

Mr. President, I would ask the gentleman to reconsider what he is attempting to do here today because, in our conversation, he has admitted to me that he finds no fault with the functions of the institution. Therefore, I would strongly suggest that he continue his negotiations with these people. As you well know

they come up year after year with their hat in their hand. I think we are knowledgeable enough to know that they will be back once again. We do not encourage them to become involved with private enterprise and I think they are getting the message loud and clear.

Mr. President, I would request the gentleman from Chester, Senator Stauffer, to reconsider what he is attempting to do today.

Senator BELL. Mr. President, I am going to take a third point of view. I voted against this appropriation before because I have knowledge of where the Franklin Institute has been in competition with private enterprise.

Today I am going to oppose the motion of the gentleman from Chester, Senator Stauffer, and vote for the appropriation and submit to Franklin Institute that when they come back here next year with their hat in their hand, I expect to have them end their competitive action with private enterprise or I will vote "no" on the appropriation next year.

Senator SNYDER. Mr. President, I would like to support the motion of the gentleman from Chester, Senator Stauffer, to have the bill go over in its order, because if the meeting with the directors of the Franklin Institute is to be held this month, it cannot be many days distant. If that shows some concrete action on this issue, then certainly that would be the thing we are looking for.

I believe, however, that it would not hurt at all to delay this appropriation for a month, or whatever time is necessary, to give them time to change. I think this issue concerns more than whether Franklin Institute shall have \$400,000. This is, very obviously, sort of a test matter as to whether we support private enterprise which is under constant erosion, it seems, and, particularly, whether we shall further encourage nonprofit corporations to compete with private enterprise to the detriment of the latter.

I believe it is so clear-cut a case that it would be a very salutary thing if the Senate showed that it was willing to wait for one month to see whether Franklin Institute does what it is apparently intending to do. I think it is somewhat of an answer to the gentleman from Northumberland, Senator Kury, the fact that certain people within Franklin Institute are recognizing the appropriateness of this step.

I believe we would be far wiser to put the bill over in its order at this point and to vote on it in January if need be.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the negative, and the motion was defeated.)

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—34

Arlene,
Bell,
Cianfrani,

Hankins,
Howard,
Jubelirer,

Murray,
Nolan,
Noszka.

Scanlon,
Schaefer,
Smith,

Corman, Dougherty, Duffield, Early, Fleming, Gurzenda,	Kury, Lewis, Lynch, McKinney, Mellow, Messinger,	O'Pake, Orlando, Reibman, Romanelli, Ross,	Stapleton, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—13

Andrews, Dwyer, Gekas, Hager,	Hess, Holl, Hopper,	Kelley, Kusse, Manbeck,	Moore, Snyder, Stauffer,
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A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

HB 1276 (Pr. No. 2037) — 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—46

Andrews, Arlene, Bell, Cianfrani, Corman, Dougherty, Duffield, Dwyer, Early, Fleming, Gekas, Gurzenda,	Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kury, Kusse, Lewis, Lynch, Manbeck,	McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—1

Kelley,

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

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

HB 1279 (Pr. No. 1502) — 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—42

Arlene, Bell, Cianfrani, Corman, Dougherty, Duffield, Early, Fleming, Gekas, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Kury, Lewis, Lynch, Manbeck, McKinney, Mellow,	Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross,	Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—5

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

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

HB 1283 (Pr. No. 2096) — 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—42

Arlene, Bell, Cianfrani, Corman, Dougherty, Duffield, Early, Fleming, Gekas, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kury, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Riebman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Zemprelli,
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NAYS—5

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

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

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1274 (Pr. No. 2287) — 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—46

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

NAYS—1

Kelley,

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

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

CALENDAR

BILL WHICH HOUSE HAS INSISTED ON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE

SENATE INSISTS UPON ITS NONCURRENCE IN AMENDMENTS MADE BY THE HOUSE TO SB 748

SB 748 (Pr. No. 1493) — Senator MESSINGER. Mr. President, I move that the Senate insist upon its noncurrence in the amendments made by the House to Senate Bill No. 748, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 748

The PRESIDENT pro tempore. The Chair announces appointment of Senators MELLOW, ORLANDO and HOPPER, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 748.

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 377 (Pr. No. 1430) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 377.

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

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
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Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guizenda,	Lynch,	Romanelli,	

NAYS—0

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

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

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 480 (Pr. No. 1391) — Senator MESSINGER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 480, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 481 (Pr. No. 1431) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 481.

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

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

YEAS—47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	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,	Zemprelli,
Guizenda,	Lynch,	Romanelli,	

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1650 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 331 (Pr. No. 1156) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator CORMAN. Mr. President, I would like to comment on House Bill No. 331, House Bill No. 332 and House Bill No. 333. They are all similar in nature and they all ask for county assessment offices to reduce assessments because of sewer connect ban orders. If I may, I would like to call these "junk type" bills. They are not necessary; the job of the assessment office is to assess property to its highest and best value. These things are taken into consideration and I do not think the bills are necessary. I would encourage the Members to vote against these bills.

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—42

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

NAYS—5

Bell,	Gekas,	Snyder,	Zemprelli,
Corman,			

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 332 (Pr. No. 1157) — 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—42

Andrews,	Hess,	McKinney,	Romanelli,
Arlene,	Holl,	Mellow,	Ross,
Cianfrani,	Hopper,	Messinger,	Scanlon,
Dougherty,	Howard,	Moore,	Schaefer,
Duffield,	Jubelirer,	Murray,	Smith,
Dwyer,	Kelley,	Nolan,	Stapleton,
Early,	Kury,	Noszka,	Stauffer,
Fleming,	Kusse,	O'Pake,	Stout,

Gurzenda,	Lewis,	Orlando,	Sweeney,
Hager,	Lynch,	Reibman,	Tilghman,
Hankins,	Manbeck,		

NAYS—5

Bell,	Gekas,	Snyder,	Zemprelli,
Corman,			

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 333 (Pr. No. 1158) — 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—42

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

NAYS—5

Bell,	Gekas,	Snyder,	Zemprelli,
Corman,			

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

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

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1085 (Pr. No. 1515) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator JUBELIRER. Mr. President, last week when this bill came before us, I read into the record the remarks by Secretary Goddard who indicates that he vehemently opposes the bill. So that I will not repeat the arguments on the merits of the bill, at this time I will only remind the Members that Secretary God-

dard in the next to last paragraph of his letter states: "Senate Bill 1085, in my opinion, would not enhance but rather result in a step backwards in effective government. I cannot support such a bill."

I will just remind the Members that because of what Dr. Goddard has indicated, the tremendous fiscal impact that this would have as well as the duplication of services from the Federal government, that this bill, indeed, according to him, would be a step backward.

MOTION TO REREFER

Senator JUBILERER. Mr. President, due to the fiscal impact, I would, at this time, move that the bill be rereferred to the Committee on Appropriations.

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

Senator STOUT. Mr. President, I am opposed to the motion just made by the gentleman from Blair, Senator Jubilerer, to rerefer the bill to the Committee on Appropriations.

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

(A voice vote having been taken, the question was determined in the negative, and the motion was defeated.)

And the question recurring,
Shall the bill pass finally?

Senator STOUT. Mr. President, prior to taking the vote on the final passage of Senate Bill No. 1085, I feel it is incumbent upon me to respond to some of the remarks made by the gentleman from Blair, Senator Jubilerer.

This Chamber will remember that last week I amended this bill. The purpose of the amendment was to address itself to some of the opposition this legislation had received from Secretary Goddard. The amendment which was placed in the bill last week created a deputy secretary within DER who would be totally responsible for deep and surface mining in this Commonwealth. In the present structure of DER the responsibilities for deep and surface mining are spread out under various departments. This legislation would bring these responsibilities under a deputy secretary. It would not need any additional funds from the Commonwealth nor any additional employees. It would bring together the various people who are spread out in other agencies of DER under a deputy secretary.

This legislation is supported by the men and women who mine the coal in this Commonwealth. It is strongly supported by the United Mine Workers and a number of the people in the coal industry. I think this is something that the people whom I represent have been looking for for a long time.

Mr. President, I would appreciate the support of the Members in the passage of Senate Bill No. 1085.

Senator SWEENEY. Mr. President, I think a significant factor which can very easily be overlooked in this piece of legislation is that, aside from its impact concerning the mining industry, it does represent a significant step insofar as a more effective management of a program is concerned. Here we have an attempt to consolidate, under one authority, a number of

splinter authorities within two or more of the departments of State government, bring them under one authority, so they can be held more effectively accountable to carry out the mandates with which they are charged.

Mr. President, I believe that those who might have some apprehension about voting for this bill certainly should be able to allay that apprehension by taking into consideration the significant managerial step in State government.

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—31

Cianfrani,	Kelley,	Murray,	Scanlon,
Dougherty,	Kury,	Nolan,	Schaefer,
Duffield,	Lewis,	Noszka,	Smith,
Dwyer,	Lynch,	O'Pake,	Snyder,
Early,	Manbeck,	Orlando,	Stout,
Gurzenda,	McKinney,	Reibman,	Sweeney,
Hankins,	Mellow,	Romanelli,	Zemprelli,
Holl,	Messinger,	Ross,	

NAYS—15

Andrews,	Gekas,	Howard,	Stapleton,
Bell,	Hager,	Jubelirer,	Stauffer,
Corman,	Hess,	Kusse,	Tilghman,
Fleming,	Hopper,	Moore,	

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 1092, 1105 and 1106 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 172 (Pr. No. 2170) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Senator ORLANDO. Mr. President, I call a meeting of the Committee on Finance, to consider House Bill No. 1665, to be held immediately, during which time the Senate can proceed with its business.

The PRESIDENT pro tempore. There being no objection, the Committee on Finance will proceed with its meeting.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 467 — Without objection, the bill was passed over in its

order at the request of Senator STAUFFER.

SB 736 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

HB 737 (Pr. No. 828), HB 1107 (Pr. No. 2312) and SB 1150 (Pr. No. 1369) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1151 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED

SB 1200 (Pr. No. 1450) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HANKINS offered the following amendments:

Amend Sec. 1, page 1, line 10, by inserting after "transact": and transacting

Amend Sec. 1, page 1, line 13, by inserting after "transact": and transacting

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL ON SECOND CONSIDERATION

SB 1202 (Pr. No. 1490) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1204, 1220 and HB 1655 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

SENATE RESOLUTION, SERIAL NO. 61, CALLED UP

Senator MESSINGER, without objection, called up from page 6 of the Calendar, Senate Resolution, **Serial No. 61**, entitled:

Directing a task force of the Joint State Government Commission to study questions arising out of the election of an Attorney General.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 61, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 61.

The motion was agreed to and the resolution was adopted.

HB 1107 CALLED UP

HB 1107 (Pr. No. 2312) — Without objection, the bill, which

previously was agreed to on second consideration, was called up, from page 5 of the Second Consideration Calendar by Senator MESSINGER.

CHAIR REVERSES DECISION

The PRESIDENT pro tempore. The Chair reverses its decision that the bill was agreed to on second consideration.

BILL ON SECOND CONSIDERATION AMENDED

HB 1107 (Pr. No. 2312) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 9, page 11, lines 9 through 13, by striking out all of said lines and inserting:

(a) If it is just and proper under the circumstances, when the petitioner for an initial decree has wrongfully taken the child from another jurisdiction or has engaged in improper conduct intending to benefit his position in a custody proceeding, upon presentation of the petition, the court shall decline to exercise jurisdiction or shall exercise jurisdiction only to issue an order, pending a full hearing in the appropriate jurisdiction, returning the parties to the custodial status quo existing prior to the improper conduct or wrongful taking unless the petitioner can show that conditions in the former custodial household are physically or emotionally harmful to the child.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE

Senator ORLANDO, from the Committee on Finance, reported, as committed, **HB 1665**.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Eastern Lebanon County High School Marching Band by Senator Manbeck.

Congratulations of the Senate were extended to C. Earl Miller by Senator Dwyer.

BILLS ON FIRST CONSIDERATION

Senator MESSINGER. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from com-

mittees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 944 and HB 1665.

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

PETITIONS AND REMONSTRANCES

Senator ANDREWS. Mr. President, I want to take just a few moments today to explain my vote on the tax increase bill last week inasmuch as I was not here at that time to do it. I have had a number of people ask me about it.

I would like to state that I did not reach my decision to cast my vote in favor of that bill in haste. I thought about it a long time and I cast it with a certain degree of reluctance. I do not believe the bill was a perfect bill but I would like to call the attention of the Members to the fact that, when we started off in June, we were talking about tax increases of between \$600 million and \$800 million and we ended up with this bill which costs the people of Pennsylvania only \$150 million.

At that time we were talking about a tax increase in the personal income tax of 2.7 per cent and it ended up at 2.2 per cent.

The total package which we were considering in June would have cost \$65 for every man, woman and child in Pennsylvania and it will now cost the people who live in Pennsylvania only \$12.50 apiece.

Finally, we did accomplish many spending cuts and we did end up with a tax increase that had sunset provisions in it. It will be a temporary tax. It may subsequently be reenacted, I certainly would not presume to prophesy the future.

Mr. President, I do not think it was a perfect bill but very few bills are perfect. However, I think we should look at it—or at least I looked at it—as voting for the lesser of two evils and the lesser of two evils is better than the worst of two evils. I do not think that we can realistically require unconditional surrender on the part of those who were pushing for higher taxes. I think we have to be reasonable and realistic at the time and the place in which the particular legislation is involved.

In June, I would not have voted for that bill; in July, I would not have voted for it; but in December we can realistically only accomplish certain cuts in spending. The year is half gone and, of course, as time progresses we have less and less time in which to operate.

I suppose I also could have taken the position that I did not vote for the General Appropriations bill and, therefore, I did not cause the problem and I have no obligation to work toward the solution or vote for any solution to the problem. However, I think that we vote for things here based upon the time and place in which they exist. I did not cause the medical malpractice problem and I have not caused the products liability problem. While I may not have voted for the General Appropriations bill, it did pass and that ball game was over a long time ago. We now face the problem of Pennsylvania and the budget and the schools and everything else.

Mr. President, I could have been very righteous in my denunciation of increasing taxes or the budget or whatever it might be, but that would not make the problem go away.

I certainly have not secured any political advantage out of that particular vote. I did not get a bridge; I did not get any roads or industrial parks or anything else. In fact, I was not even asked by anybody to vote for that bill. But I thought it was the responsible thing to do at the time and the place in which that vote occurred.

Furthermore, there were no practical alternatives that had been proposed to me which I thought would work.

I would also like to comment on the fact of where I was at the time I cast that vote. It was beautiful. I did not cast that vote in ignorance, however. I talked to Harrisburg seven times on Thursday and I knew what I was doing. Had I been in Harrisburg, not only would I have voted for this bill, I would have spoken in support of its passage. We do have legislative leaves in the Senate—whether they be good or bad, we do have them—and I do not think a vote should be cast by means of geography but rather on judgment. It was my judgment this was the best bill we could have at the present time.

Mr. President, I am glad the tax problem has been resolved. I am hopeful that we will not have similar problems in the future. I think it is unfortunate that the Members of the Legislature have been made to look like clowns this year, where, in fact, I think it was an honest difference of opinion by reasonable people over what course the Commonwealth should take. I would only suggest, beginning with the new budget when we receive it in February, we had better get our act together as far as how we are going to pass the budget and how we are going to deal with spending so that we do not have a repetition of this year.

Senator SWEENEY. Mr. President, I was absent from the Session last Thursday because of illness. Had I been present I would have voted against the passage of the tax bill, House Bill No. 247, as I did on other tax bills on previous occasions.

Senator McKINNEY. Mr. President, I would like to read a line from an article which appeared in the Patriot News this morning, written by Carmen Brutto. I will only read the part which relates to me. It is entitled, Voting In Absentia. "It was Senators Andrews, R-Lawrence; Coppersmith, D-Cambria; Paul McKinney, D-Philadelphia; Edward Zemprelli, D-Philadelphia. All were in the Virgin Islands."

Mr. President, I will admit that I have a beautiful suntan, I have it year round. But I did not get it in the Virgin Islands, I carry it with me all the time. I was not in the Virgin Islands. As a matter of fact, I was present on the Senate floor just an hour before the vote was taken on the tax measure. I went down to Philadelphia to try to bring together Local 115 of the Teamsters and the University of Pennsylvania. That is why I was absent at the time. I think the Majority Leader and the Minority Leader had agreed to it.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 13, 1977

9:30 A.M.	ENVIRONMENTAL RE-SOURCES (to consider Senate Bill No. 1222; House Bills No. 470, 1147, 1336 and 1691)	Senate Majority Caucus Room
10:30 A.M.	JUDICIARY (to consider Senate Bill No. 1173)	Room 172
11:00 A.M.	LABOR AND INDUSTRY (to consider House Bill No. 1630)	Room 101
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations and Senate Bill No. 1234)	Rules Committee Conference Room

THURSDAY, DECEMBER 15, 1977

9:00 A.M. Special Senate Committee
to on Drug Law Enforcement
4:00 P.M. (Public Hearing on the
Organization & Structure
of Drug Law Enforcement
in Pennsylvania)

William Penn
Museum
Auditorium

FRIDAY, DECEMBER 16, 1977

9:00 A.M. Special Senate Committee
to on Drug Law Enforcement
4:00 P.M. (Public Hearing on the
Organization & Structure
of Drug Law Enforcement
in Pennsylvania)

Senate Majority
Caucus Room

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, December 13, 1977, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:20 p.m., Eastern Standard Time.