

Legislative Journal

MONDAY, FEBRUARY 27, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 9

SENATE

MONDAY, February 27, 1978.

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 Father JOSEPH MARTIN, Pastor of Holy Trinity Eastern Orthodox Catholic Church, McAdoo, offered the following prayer:

In the Name of the Father and of the Son and the Holy Spirit:
O Lord, help us to greet this day in peace. Let us rely on Your Holy Will in all we do at each hour of this day.

Bless all the people whom we shall meet, and teach us to accept everything that happens today with peace of soul and the conviction that Your will governs all.

Guide our words and acts, our thoughts and emotions, and let us not forget that the unexpected events are also Your doing. Show us how to act firmly and wisely, without angering or embarrassing others.

Give us the strength to bear the weariness of this day, together with the goodness You send. Direct our will, give us the grace of prayer, and pray Yourself within us.

In the Name of the Father and of the Son and the Holy Spirit. Amen.

The PRESIDENT pro tempore. The Chair wishes to thank Father Martin who is the guest this week of Senator Gurzenda.

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.

LEAVE OF ABSENCE

Senator MESSINGER asked and obtained leave of absence for Senator COPPERSMITH, for the week.

SENATOR MESSINGER TO VOTE FOR SENATOR STOUT

Senator MESSINGER. Mr. President, at this time I request a legislative leave of absence for the remainder of today's Session for Senator Stout.

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

SENATOR HAGER TO VOTE FOR SENATOR GEKAS

Senator HAGER. Mr. President, I request a legislative leave of absence for Senator Gekas who is serving on a panel before the Pennsylvania Savings and Loan League for this Session only.

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

GUESTS OF SENATOR ROBERT C. JUBELIRER PRESENTED TO SENATE

Senator JUBELIRER. Mr. President, it is an honor today to introduce to the Senate of Pennsylvania the junior and senior high school students of Southern Huntingdon Christian School and their pastor, Reverend Roger Brain. They are in the gallery today and they are from Shade Gap, Pennsylvania in Huntingdon County. I would appreciate it if the Senate would give its usual cordial welcome to this fine group.

The PRESIDENT pro tempore. If the students of the Junior and Senior High School of Southern Huntingdon Christian School will kindly rise, the Senate will give them its usual warm welcome.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS

February 22, 1978.

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 Ms. Laurita M. Hack (Physical Therapist), 858 South Front Street, Philadelphia, 19147, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Physical Therapy Examiners, to serve for a term of three years, vice David R. Weiler, Harrisburg, resigned.

MILTON J. SHAPP.

CORONER IN AND FOR THE COUNTY OF PIKE

February 24, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Martin, R. D. 1, Box 309, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as Coroner in and for the County of Pike, to serve until the first Monday of January, 1980, vice Mrs. Genevieve Melody, Milford, resigned.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

February 24, 1978.

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 J. Dean Polen, Apartment 802, George Washington Hotel, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of The Pennsylvania Industrial Development Authority, to serve until December 1, 1984, and until his successor shall be duly appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

February 24, 1978.

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 Arthur J. Edmunds (Representative of Consumer), 121 Crestline Place, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for the term of three years, and until his successor is appointed and qualified, pursuant to Act 23, approved July 8, 1977.

MILTON J. SHAPP.

MEMBER OF THE STATE TRANSPORTATION COMMISSION

February 24, 1978.

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 Harold G. Reslink (Republican), 5242 Peach Street, Erie 16509, Erie County, Fortyninth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until February 7, 1980, and until his successor shall have been appointed and qualified, vice Henry F. Huth, Lancaster, resigned.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA CRIME COMMISSION

February 27, 1978.

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 Bernard L. Siegel, Esquire, 409 East 36th Street, Erie 16504, Erie County, Fortyninth Senatorial District, for reappointment as a member of the Pennsylvania Crime Commission, to serve for a term of two years, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

February 27, 1978.

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 Wallace S. Hendricks, 1550 Franklin Street, Kulpville 19443, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1980, and until his successor is appointed and qualified, vice Louis A. Machalette, Oreland, resigned.

MILTON J. SHAPP.

MEMBERS OF THE PENNSYLVANIA BOARD OF PSYCHOLOGIST EXAMINERS

February 27, 1978.

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 reappointment as members of the Pennsylvania Board of Psychologist Examiners:

Dr. Richard M. Lundy (Mental Health), 201 Ronan Drive, State College 16801, Centre County, Thirty-fourth Senatorial District, to serve until December 24, 1980, and until his successor is appointed and qualified.

Dr. J. Marshall Brown (Research and Teaching), 401 Dogwood Terrace, Easton 18042, Northampton County, Eighteenth Senatorial District, to serve until December 24, 1980, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

February 27, 1978.

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 Gerald J. Specter, Ph.D., 4500 Londonderry Road, Apartment C-158, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years, and until his successor shall have been appointed and qualified, vice Ralph D. Tive, Harrisburg, whose term expired.

MILTON J. SHAPP.

BILL INTRODUCED AND REFERRED

Senator ARLENE presented to the Chair SB 1312, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," changing the amount of certain contributions by the Commonwealth.

Which was committed to the Committee on Labor and Industry.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 3:00 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 3:00 p.m., Eastern Standard Time.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 847 (Pr. No. 1500) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 847.

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—45

Andrews,	Hess,	McKinney,	Ross,
Arlene,	Holl,	Mellow,	Scanlon,
Bell,	Hopper,	Messinger,	Schaefer,
Corman,	Howard,	Moore,	Smith,
Dougherty,	Jubelirer,	Murray,	Snyder,
Duffield,	Kelley,	Nolan,	Stapleton,
Dwyer,	Kury,	Noszka,	Stauffer,
Early,	Kusse,	O'Pake,	Stout,
Fleming,	Lewis,	Orlando,	Sweeney,
Gekas,	Lynch,	Reibman,	Tilghman,
Gurzenda,	Manbeck,	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 inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

NONPREFERRED APPROPRIATION BILLS REREPORTED FROM COMMITTEE AS AMENDED ON FINAL PASSAGE

HB 1250 (Pr. No. 2606) — And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator SMITH. Mr. President, I rise to speak on House Bill No. 1250. I ask the greatest latitude for speaking on this bill. I am really speaking on all the nonpreferred bills listed on today's Calendar.

These nonpreferred bills are incorporated in approximately a \$5.1 billion 1977-1978 budget. The total nonpreferred appropriation is really less than .0196 of one per cent that we set aside to support the arts. I can appreciate that many Members who find it unpopular to vote on these bills then go back home and try to explain it. However, these institutions are the sum total of Pennsylvania's effort to house and exhibit the world's great works of art, which are readily available for view by all the people and in inspiration for our children.

Mr. President, if we pass these bills as they are on the Calendar we have enough funding, as I understand from the last communications I have had with the Office of the Budget, and I believe we will have something like \$12,000 left over. Therefore, we do have the money to fund these bills.

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

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

Senator SMITH. I will, Mr. President.

Senator HAGER. Mr. President, as I recall, these bills were on the Calendar once before and were recommitted because there was not sufficient money in the budget to fund these items, is that correct?

Senator SMITH. That is true, Mr. President.

Senator HAGER. They then went back into committee, Mr. President, and were reduced in amount, is that correct?

Senator SMITH. That is true, Mr. President.

Senator HAGER. Mr. President, when the Governor released his budget for next year, he showed a deficit for this year of \$110 million, \$46 million of which is being rolled forward in medical assistance payments and another \$64 million which is just a deficit. Has that deficit now been corrected and enough money left in there for these bills or does that deficit still exist?

Senator SMITH. Mr. President, I believe that deficit still exists.

Senator HAGER. Then, Mr. President, I guess my question is this: If we were to vote for these bills now and these bills were to pass, would we then be increasing that deficit of \$110 million to an amount in addition to that \$110 million which would equal the funding for these bills?

Senator SMITH. No, Mr. President, we would not. The amount of money of which the Minority Leader speaks is the sum total which would include the nonpreferreds.

Senator HAGER. If we were to pass these bills, Mr. President, then the deficit for this State for this fiscal year would remain at \$110 million, is that correct?

Senator SMITH. If they are passed, Mr. President, yes.

Senator KELLEY. Mr. President, I just very briefly want to say that, after the interrogation of the Minority Leader of the Chairman of the Committee on Appropriations, it is very obvi-

ous that if we do not pass these bills, we will then reduce the deficit. It seems very consistent with fiscal responsibility that we would do everything possible to minimize the deficit.

The argument presented to us about supporting the arts and sciences and culture is very good and very true, but these particular nonpreferreds are not the only moneys in the Commonwealth which go to support those causes. Under the General Appropriations bill we have money that goes to the arts directly. Under the Governor's office we have the Historical and Museum Commission which sometimes uses indirect funding to some of the museums and culture in the Commonwealth and I believe we do our share.

However, in the priority of things, Mr. President, the conduct and expense of operation of the government itself generally should be first and foremost and only then should we take care of the arts.

I support the arts. I supported tax increases in the past to take care of these things, but whenever we have had a budget and a General Appropriations bill that we cut in order to minimize the tax to be imposed on the constituents of this Commonwealth, it seems we are not being consistent in fiscal responsibility to continue to support the arts and still cut essential governmental services.

Therefore, Mr. President, I oppose this bill and the other non-preferreds.

Senator BELL. Mr. President, I wish the gentlemen from Westmoreland, Senator Kelley, would have read an article in yesterday's Philadelphia paper which said that while we are playing games with these appropriations, the museums are closing their doors to the schoolchildren as they arrive in school buses.

Senator KELLEY. Mr. President, I read the article to which the gentleman has referred. It seems rather incongruous for us to, supposedly, be funding money independently on non-preferreds to museums to take care of the schools. If we are going to do that we should be funding it through the General Appropriations and the Department of Education which, in turn, would go to the school districts.

You see, Mr. President, that is part of our problem. In this particular case the newspaper is trying to use the museums as a wedge in talking about withdrawing this cultural enhancement and opportunity to the students of the Commonwealth. I think that is terribly unfair. I think what they are doing is trying to use the old gimmickry of public emotionalism. We should be talking with more reason. I thank the gentleman for calling this to my attention and I hope all my colleagues read the same article.

Senator BELL. Mr. President, I still do not understand whether the gentleman from Westmoreland, Senator Kelley, wants to close the doors of the museums to the school kids or not.

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—40

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

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 with amendments in which the concurrence of the House is requested.

HB 1251 (Pr. No. 2607) — And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator HAGER. Mr. President, we went so quickly I did not have the opportunity to make some comments on all of these bills and at this point I would like to. Here I am asking the question about what we are doing. Are we digging the hole any deeper and, at the same time, voting for these items?

I think we will find ourselves between a rock and a hard plate on these bills because the fact is we are, at one time, admitting—at least the Governor says—that we are spending ourselves into a \$110 million hole this year, much the same as the one into which we spent ourselves last year—or into which he spent us. Yet, as I look at these things, I see that the size of the appropriations for the Pennsylvania Academy of the Fine Arts, for instance, is \$5,000; for the Philadelphia Museum of Art, \$50,000; and for Carnegie Museum, \$50,000. All told, including Dickinson Law School and Capitol fire protection from the City of Harrisburg, they total less than \$1 million.

Other than decry the spending which has brought us here and the fact that these bills as they were on the Calendar last week cost even more money without the requisite work being done, I suppose there is very little we can do because it is difficult for us, at this juncture, to serve notice on people whose budget is based upon the expectation from this Body, which they have had absolutely no reason to distrust, that we were going to fund them.

The fact remains that \$110 million this year added to last year's \$100 million deficit is a pretty frightening thing. I would hope the Senate, particularly the chairman of the Committee on Appropriations, would begin to take a look at some of the programs which are out there costing us a lot of money, particularly the kinds of procurements which will be taking place

from this point on, especially in the last quarter of this year, and see if there is not some way that that deficit can be cut. I believe this is the wrong place to do it but, certainly, there has got to be some area in which we would take a look at the balance of the appropriations for this year in a lot of departments and see if we cannot do something to hold that deficit down because that is going to poison next year as last year poisoned this year.

Senator SNYDER. Mr. President, one reason I find it hard to vote for some of these appropriations—although I am voting for some of them and not for others—is that I believe it points up our very crucial matter of priorities. For several years I have been trying to get two more judges for Lancaster County, the cost of which would be far less than some of these individual appropriations for Philadelphia or Pittsburgh art and cultural centers. Yet, I have not been able to do it.

I have a hard time explaining why the Legislature, whose prime duty it is to keep the State government going well, and one of those prime duties is to keep a system of law and justice operating, does not have the money to do what it obviously and what everybody agrees rationally ought to be done and, at the same time, is voting funds for things which, while highly desirable in themselves, are a matter of secondary concern to the Commonwealth.

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—39

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

NAYS—6

Andrews,	Hess,	Kusse,	Snyder,
Dwyer,	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 the concurrence of the House is requested.

NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1265 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON FINAL PASSAGE

HB 1266 (Pr. No. 2609) — 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—37

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

NAYS—8

Andrews,	Hess,	Kusse,	Reibman,
Dwyer,	Kelley,	Moore,	Snyder,

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.

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 494, 498, 500 and 505 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1267 (Pr. No. 2610) — 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—40

Arlene,	Holl,	Messinger,	Scanlon,
Bell,	Hopper,	Moore,	Schaefer,
Corman,	Howard,	Murray,	Smith,
Dougherty,	Jubelirer,	Nolan,	Snyder,
Duffield,	Kury,	Noszka,	Stapleton,

Early, Fleming, Gekas, Gurzenda, Hager,	Lewis, Lynch, Manbeck, McKinney, Mellow,	O'Pake, Orlando, Reibman, Romanelli, Ross,	Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—5

Andrews, Dwyer,	Hess,	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 with amendments in which concurrence of the House is requested.

HB 1268 (Pr. No. 2611) — 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—40

Arlene, Bell, Corman, Dougherty, Duffield, Early, Fleming, Gekas, Gurzenda, Hager,	Holl, Hopper, Howard, Jubelirer, 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,	Hess,	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 with amendments in which concurrence of the House is requested.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1269 (Pr. No. 1492) — 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—38

Arlene, Bell, Corman, Dougherty, Duffield, Early, Fleming, Gekas, Gurzenda, Hager,	Holl, Hopper, Howard, Jubelirer, Kury, Lewis, Lynch, Manbeck, McKinney, Mellow,	Messinger, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—7

Andrews, Dwyer,	Hess, Kelley,	Kusse, Moore,	Snyder,
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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 1278 (Pr. No. 1501) — 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—35

Arlene, Bell, Corman, Dougherty, Duffield, Fleming, Gekas, Gurzenda, Hager,	Holl, Hopper, Howard, Jubelirer, Kury, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Murray, Nolan, Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—10

Andrews, Dwyer, Early,	Hess, Kelley, Kusse,	Moore, Reibman,	Snyder, Stapleton,
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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 1265 CALLED UP

HB 1265 (Pr. No. 2608) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Final Passage Calendar by Senator MESSINGER.

NONPREFERRED APPROPRIATION BILL REREPORTED
FROM COMMITTEE AS AMENDED ON FINAL PASSAGE

HB 1265 (Pr. No. 2608) — And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator ROMANELLI. Mr. President, I move that House Bill No. 1265 revert to the form it was in under Printer's No. 1488.

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

Senator ROMANELLI. Mr. President, 1488 was the printer's number on the Calendar prior to the bill being recommitted to the Committee on Appropriations wherein the bill was reduced to fifty per cent of its original value. The reasons given for that reduction by the Governor's Office and some people who advanced the cuts in the appropriation were that they would leave the appropriations to the institutions that were considered teaching institutions at status quo.

Mr. President, I feel Carnegie Museum is one of the teaching institutions. It is not directly a teaching institution. However, it is and has been used by the universities in the Pittsburgh area for teaching the archaeological sciences, the geological sciences and many other sciences which are taught by the universities and schools of secondary education.

Therefore, Mr. President, I would consider this institution a teaching institution which should be considered the same as the other teaching institutions in their nonpreferred appropriations.

Senator TILGHMAN. Mr. President, I really do not have any reason for opposing the reversion to the prior printer's number with the exception that I note that of the several bills before us dealing with these institutions, this is the only one in the Pittsburgh area and it is the only one that is being increased.

As it is before us now, the bill calls for \$50,000. The Carnegie Museum took a cut as did the rest of those museums and institutions in the Philadelphia area. If we revert to the prior printer's number, it would go to \$100,000. If that is fair—and that is for the Senators to consider—I see no reason that we should not reconsider the vote by which all of these nonpreferreds have passed to date and revert to the prior printer's number on all those bills also. I think that Carnegie Museum does need \$100,000; I think the Academy of Natural Science in Philadelphia needs \$225,000 and not \$112,000.

Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Messinger.

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

Senator MESSINGER. I will, Mr. President.

Senator TILGHMAN. Mr. President, could the gentleman tell us if he would support a motion to reconsider the vote by which all the appropriation bills have passed in order that we can get them back into a position to revert to the prior printer's number on the bills dealing with the Philadelphia institutions? Would the gentleman consent to support a motion to revert to

reconsider the vote by which the bills have passed?

Senator MESSINGER. Mr. President, I really would have to hold a Democratic caucus to answer that question.

Senator TILGHMAN. Mr. President, would it then be in order to ask if we could have a caucus at this time on these bills because I believe that if Carnegie gets its increase from \$50,000 to \$100,000, which was cut in the Committee on Appropriations, it is only fair that the Philadelphia institutions should follow suit and be increased by the fifty per cent that they were cut.

Senator MESSINGER. Mr. President, I would say, first of all, this motion has not succeeded. The gentleman is speaking as though it has.

Senator TILGHMAN. Thank you, Mr. President.

Senator ROMANELLI. Mr. President, my colleague from Westmoreland, Senator Kelley, has hit the nail on the head. This is the only appropriation dealing with the City of Pittsburgh and the Carnegie Museum in Pittsburgh. However, ten or twelve with which we dealt were from the Philadelphia area and I think the gentleman from Montgomery, Senator Tilghman, should take that into consideration.

However, again I must reiterate that this is a teaching institution and the teaching institutions were not cut. They were considered teaching institutions and were left at status quo.

Mr. President, if the people who represent the museums in the Philadelphia area do not care about restoring theirs to the prior printer's number, at least I care about restoring mine.

Senator HAGER. Mr. President, somehow I keep being concerned about all those institutions in Lycoming, Sullivan, Bradford, Tioga and Clinton Counties who are not getting a nickle out of any of these and yet I am voting for them.

Senator SMITH. Mr. President, I rise to object to reverting to the prior printer's number. In my first statement I said we do have enough money to fund the nonpreferreds as they now appear on today's Calendar. I believe the gentleman from Allegheny, Senator Romanelli, realizes that should they revert to the prior printer's number, the Governor must blueline it and bring it back to \$50,000 to stay within the revenues we have.

Senator ROMANELLI. Mr. President, if the Governor sees fit to blueline this nonpreferred appropriation then there are methods to deal with that bluelining.

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

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

POINT OF INFORMATION

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

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

Senator ROMANELLI. Mr. President, there is one vote which I did not hear properly. That is the vote of the gentleman from Dauphin, Senator Gekas.

The PRESIDENT pro tempore. Senator Gekas voted "no."
Senator ROMANELLI. Thank you, Mr. President.

The yeas and nays were taken agreeably to the provisions of

the Constitution and were as follows, viz:

YEAS—9

Andrews, Duffield, Gurzenda,	Nolan, Noszka,	Romanelli, Ross,	Scanlon, Schaefer,
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NAYS—35

Bell, Corman, Dougherty, Dwyer, Early, Fleming, Gekas, Hager, Hess,	Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch,	Manbeck, McKinney, Mellow, Messinger, Moore, Murray, O'Pake, Orlando, Reibman,	Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
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So 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—40

Arlene, Bell, Corman, Dougherty, Duffield, Early, Fleming, Gekas, Gurzenda, Hager,	Holl, Hopper, Howard, Jubelirer, 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,	Hess,	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 with amendments in which the concurrence of the House is requested.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 508, 510, 743, 744, 882 and 883 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL OVER IN ORDER

SB 1104 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1222 (Pr. No. 1498) — Considered the third time,

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

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator MELLOW. Mr. President, I do have an amendment I want to offer and I understand the gentleman from Crawford, Senator Dwyer, does also. Does the gentleman wish that I offer my amendment first?

Senator DWYER. Yes, Mr. President.

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

Amend Sec. 3, page 2, line 28, by striking out "5,000" and inserting: 7,500

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

Senator CORMAN. Mr. President, I rise to oppose this amendment. The 5,000 megawatts which was inserted into the bill is more than adequate to satisfy the needs of any generating plant now on line or any anticipated; in fact, it is more than double the capacity of any plant that is anticipated. I believe if any of the Senators here were involved in any of the public hearings which were held on the issue of energy parks during the past several years, they will understand that there are quite a few dramatic and traumatic things which communities go through.

When we consider that this bill does allow for better than double the capacity of any of the current on line and planned energy generating facilities, 5,000 megawatts is more than adequate growth and I would oppose this amendment.

Senator MELLOW. Mr. President, I would like to make one clarification. The gentleman who chaired the hearing, of which the gentleman from Centre, Senator Corman, speaks, said it is the anticipation that within the next year Three Mile Island will have an expansion which will exceed the 5,000 megawatts and it is not an energy park. Three Mile Island is not considered to be an energy park and we feel it will be very safe if that figure is raised from 5,000 megawatts to 7,500 megawatts. Therefore, I would ask an affirmative vote on the amendment.

Senator CORMAN. Mr. President, I had checked with the Joint State Government Commission in discussing and getting this prepared and it is my belief from the information I received from them that Three Mile Island would have a capacity of 1,672 megawatts, which is less than half of 5,000.

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

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

YEAS—26

Bell,	Lynch,	Noszka,	Schaefer,
Dougherty,	Manbeck,	O'Pake,	Smith,
Early,	McKinney,	Orlando,	Stapleton,
Gurzenda,	Mellow,	Romanelli,	Stout,
Kelley,	Messinger,	Ross,	Sweeney,
Kury,	Murray,	Scanlon,	Zemprelli,
Kusse,	Nolan,		

NAYS—17

Andrews,	Gekas,	Hopper,	Reibman,
Corman,	Hager,	Howard,	Snyder,
Duffield,	Hess,	Jubelirer,	Stauffer,
Dwyer,	Holl,	Moore,	Tilghman,
Fleming,			

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

On the question,

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

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

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

Amend Sec. 4, page 3, lines 3 through 10, by striking out all of lines 3 through 9 and "(b)" in line 10 and inserting:

(a) Whenever a public utility proposes construction of an energy park, as defined in section 3, approval by the voters of the townships, boroughs, cities or incorporated towns where the proposed energy park is to be situated shall be required.

(b) The referendum provided for in subsection (a) shall be conducted under the supervision of the Bureau of Elections in the Department of State.

On the question,

Will the Senate agree to the amendments?

Senator DWYER. Mr. President, the intent of these amendments is to put on the ballot in the township, borough, city or incorporated town where a proposed energy park would be located, the question of whether or not the people approved of that energy park being located in that particular political subdivision. If the vote was "no" then it could not be established.

These amendments become even more important in light of the previous amendment adopted that now defines an energy park as something with an ultimate capacity of over 7,500 megawatts. The bill, as originally constituted, was only 5,000 megawatts.

This issue is of particular concern to the people in many areas of the State which have been designated as possible areas for energy parks. There are at least ten of these areas throughout the State. Two years ago, the Governor's Energy Council, as well as the AG extension and many citizens' groups, held public meetings and hearings regarding energy parks. They were educational meetings which resulted in some of the largest public meetings ever held in these designated areas, two of them were in the northwestern Pennsylvania area with which I am very familiar.

The area in which an energy park would be located will wind

up with a tremendous blighted area of thousands and thousands of acres. In addition to that, there will be hundreds of miles of these massive transmission towers and transmission lines transmitting the energy wherever it might be needed.

Mr. President, I maintain that we should not have energy parks, we should not blight thousands of acres throughout this Commonwealth. We should establish new generating facilities near the sites where the energy is needed, in case of war, and not have these huge areas which are concentrations of energy generating facilities, which blight the thousands of acres and cause tremendous costs in transmission facilities. When we need new energy sources, they should be located near the area where they are needed and not cause all these problems as well as the many others which I have mentioned.

The people in the areas which have been designated as possible energy areas or energy parks desperately want to have this on the ballot rather than determined by local political subdivisions. As I said, with the previous amendment, that is the only hope these people have in these ten major areas of Pennsylvania and I would urge a favorable vote on these amendments.

Senator MELLOW. Mr. President, in response to the arguments proposed by the gentleman from Crawford, Senator Dwyer, first of all, Mr. President, this is not a bill that deals with energy parks. I believe it is unfortunate when many individuals talk about legislation such as this, they keep referring to it as energy park legislation and it is not that particular type of proposal.

Secondly, Mr. President, we recently passed, in this Legislature, a plant siting bill which would adopt the rules and regulations set forth by an intergovernmental agency in proposing siting locations. Part of that intergovernmental agency consisted of four members of the municipal government so that any municipality that has a proposed plant to be located within the boundaries of that municipality will have an opportunity to place several members of its municipal government and several consumers on the intergovernmental agency which will have the final say as to whether this particular facility would be located within the boundaries of their community.

Mr. President, it is extremely unpopular these days to talk about the location of plant siting. However, when we deal with a consumer and we deal with a constituency that puts increasingly more emphasis, year in and year out, on utilities and on the needs of electricity, we find ourselves in a position where we must meet those particular needs and must make their wants available. When they push the switch on the wall we must be certain there is a reaction, that reaction being that the particular room which the person is entering will light up.

It is very easy for us and probably extremely popular for us to say that we should do this in the form of a referendum, but we have been elected to reflect the views of our people and to set aside what the needs of our people should be. We have been elected to take stands on very difficult positions and a very difficult position in this particular case is the location of siting facilities. For us to pass this on in a referendum is for us to kill legislation dealing with the future needs of the people of Pennsylvania with regard to their utilities, especially their electric utilities. I would once again ask my colleagues to vote against

these particular amendments.

Senator DWYER. Mr. President, just in brief rebuttal to my friend from Lackawanna, Senator Mellow, this bill certainly does deal with energy parks. In fact, line 8 says the short title is "Energy Park Regulation Act." The whole bill is concerned with energy parks.

Secondly, Mr. President, I would also point out that with the previous amendment of 7,500 megawatts, or greater, you can have a facility which would be larger than any in existence in this State today without a referendum. My amendments would only put on a referendum if it was over 7,500 megawatts, which is a huge, huge facility.

As I said, Mr. President, I am not against the generation of new energy sources. I realize we need them. I just maintain that we should have them in smaller units near the sites where they are needed to avoid all the problems I previously mentioned.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us if the effect of his amendments would be that if a facility exceeded 7,500 megawatts there would then be a referendum?

Senator DWYER. That is correct, Mr. President. The amendments read: "Whenever a public utility proposes construction of an energy park, as defined in Section 3 . . ." the definition of an energy park is bulk power supply facilities which are designed and capable of operating on an ultimate capacity of 5,000 megawatts or greater in the original section of the bill. Now, of course, with the gentleman's amendments, the definition is raised to 7,500 megawatts or greater.

Senator MELLOW. Mr. President, after reading the amendments and the gentleman's answers to my questions and reading the bill as it would be after the amendments are inserted, I would like to withdraw my opposition. I will support the amendments of the gentleman from Crawford, Senator Dwyer.

Senator DUFFIELD. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator DUFFIELD. Mr. President, I heard only part of the gentleman's speech because, as he was reading, he lowered his voice a little bit.

As I understand it, these amendments would propose a vote by the people as to whether they want this in their district.

Senator DWYER. Mr. President, it would be the people residing in the township, city, borough or incorporated town in which a proposed energy park might be located.

Senator DUFFIELD. Mr. President, does the gentleman mean where it is actually located, not any of the surrounding areas.

Senator DWYER. Mr. President, it would be the physical location if, in accordance with the definition, it is over 7,500 megawatts in size, which is a huge facility.

Senator DUFFIELD. Mr. President, if it were located in a

small township, the rest of the county could not vote on it, is that correct?

Senator DWYER. That is correct, Mr. President. The bill still would state the officials of the county, but the actual vote would be in the municipality in which it was located, with the exception of the county.

Senator DUFFIELD. Mr. President, what does the gentleman mean by the officials of the county?

Senator DWYER. Mr. President, it would be only the vote of the municipality. It would strike out the current language which provides ". . . the written approval of the governing bodies of the municipalities wherein the land is located."

The Statutory Construction Act includes counties and municipalities. I have designated the municipalities in these amendments to be townships, boroughs, cities or incorporated towns.

Senator DUFFIELD. Mr. President, I will vote for these amendments although I think they will defeat the purpose of the bill because there was some proposal in my Senatorial District to establish an energy park. I would say the vote—if it were taken there—would be 999 to 1 against it. You will never have an energy park over 7,500 megawatts in any municipality because there is no municipality in the Commonwealth that will permit such a thing to happen.

The publicity on these things is terrible. In Somerset County—of course, I have not investigated the scientific aspects of this—they depend on tourism and skiing and so forth and the people up there, almost to a man, believe if an energy park comes to Somerset County, it will change the weather and climate conditions. It will change the rate of snowfall and, under the present tenor, I can see how somebody from Philadelphia, Pittsburgh, Scranton or Altoona would vote for it because one cannot be placed in those areas. However, out in God's country the people do not want this thing. They want it in someone else's district to tell you the truth, but the publicity on them has been astounding.

Coming from a district where it has been planned to have an energy park, my constituents, almost to a man, are opposed to it. I will vote for the gentleman's amendments, as I stated, but I think they will defeat any energy park that they try to put in Pennsylvania over 7,500 megawatts, and I would like to see it in, generally, for the whole bill and not limited to 7,500.

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

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

Senator MELLOW. I will, Mr. President.

Senator HAGER. Mr. President, could the Senator tell us where in the United States there is an energy park producing 7,500 megawatts?

Senator MELLOW. To my knowledge, Mr. President, there are none.

Senator HAGER. Mr. President, could the gentleman tell us what the largest one is?

Senator MELLOW. Mr. President, I cannot give the gentleman the exact figures, but I think Three Mile Island in Pennsylvania is the biggest.

Senator HAGER. Mr. President, what is the megawatt size of Three Mile Island?

Senator MELLOW. Mr. President, I believe, as the gentleman from Centre, Senator Corman, stated before, it is somewhere around 1,600 megawatts. There is a program taking place which will increase the size substantially.

Senator HAGER. Mr. President, would the gentleman not then say that if this thing is four times the size of the largest existing facility in Pennsylvania, that the whole bill is telling the people they are going to have the chance to object to something when, in fact, they are not going to object to anything ever built or ever contemplated to be built in this country?

Senator MELLOW. Absolutely not, Mr. President, because, approximately two months ago, we passed here in the Senate—and I cannot give you the Senate bill number but the gentleman from Northumberland, Senator Kury, and I and other members of our committee have done a lot of work on it—siting legislation which would set up the procedures in which a facility such as this could be built. Part of that procedure is an intergovernmental agency to be composed of various members of our departments here in Harrisburg along with four members of the public, two of whom will be municipal officials and two would be consumers. There is no question about it that the municipalities will have an input into exactly what takes place.

The way it stands right now they have absolutely no input.

Senator HAGER. Mr. President, is it not true that they may have some input, but they are not going to have the final say on whether or not it is built?

Senator MELLOW. Mr. President, under the right of eminent domain, which has been exercised in many cases, they have no say whatsoever today.

Senator HAGER. Mr. President, in specific answer to my specific question: Is it not a fact that under the bill which the gentleman is talking about and the bill which is presently before us, except for that illusory plant of 7,500 megawatts, bigger than anything existing in the United States, the people or their local officials will have absolutely nothing to say in a definitive way about whether or not the facility will be built in their township?

Senator MELLOW. Mr. President, I do not know if it is anything bigger than any plant in the United States. I know that there is nothing bigger in Pennsylvania, but I cannot speak for the other forty-nine states. I am not an expert on that.

The way the provision stands today they have absolutely no say as to what takes place. The people in the area of Three Mile Island could have objected all they wanted to; it was going to be constructed there because of the right of eminent domain. This, at least, will give them some kind of a procedural system where they can express their opposition.

You cannot just look at Senate Bill No. 1222. You have got to look at Senate Bill No. 1222 in conjunction with the legislation which we passed here several months ago and tie them together. You have to read them both together.

Personally, Senate Bill No. 1222, in my opinion, should never have been introduced.

Senator HAGER. Mr. President, I would merely like to point out that considering the information made available to the gen-

tleman from Northumberland, Senator Kury, by Thomas Seaman, this bill in its present form really would not give the people or the local officials in the county any say until a facility was more than three times larger than anything presently in Pennsylvania, under construction or planned for construction in Pennsylvania, so that the whole thing really is to say to the people, "You have something to say about whether or not you get an energy park" when, in fact and in actuality, they do not have a thing to say.

Senator KURY. Mr. President, in the interest of accuracy on this matter, I would like to point out that the people have nothing to say right now. As pointed out by the gentleman from Lackawanna, Senator Mellow, power companies can put in power facilities of any size and the municipality is prohibited from regulating them under the zoning law. There is an exclusion in the Municipalities' Planning Act for utility legislation.

As pointed out by the gentleman from Lackawanna, Senator Mellow, it is correct that we have passed the siting law which will take the decision-making process out of the hands of the utility executives where it is solely now. The only people who make this decision now are the utility company executives. Under the legislation we passed, this decision-making process will become a public process and there will be hearings and input from the local people which can have meaning. This, in my opinion, is a substantial improvement over the present law and that is why I joined with the gentleman from Lackawanna, Senator Mellow, in introducing site selection legislation over the years.

Coming down to the specific bill at hand, we are talking here and saying that at a certain size, it should be exclusively in the hands of the local elected officials. They should have absolute veto power. We can argue whether it should be 5,000, 7,500 or 10,000, however, I still think it is a substantial point and should not be lost by this Body.

Senator HAGER. Mr. President, of course the point to all of this is that the public is going to think, when they see this bill, that the Senate has done a wonderful thing—it has given them the opportunity to have some input—when, in fact, that is phony because there is never going to be a plant built of this size. So, when you say to them, "We are going to give you the right to object," to something which is never going to come up, you are kidding the public.

Senator MELLOW. Mr. President, I realize the political ambitions and political considerations of some people on this floor and I also realize the areas from which some people come, but the truth of the matter is this: If you want to be honest and you want to be realistic about things, this is the best possible type or piece of legislation dealing with siting facilities that we can get here in the Commonwealth.

Heretofore, Mr. President, the people have had absolutely no say and I would say this: If Senate Bill No. 1222 is not passed, the people still will have absolutely no say. If it is watered down with a lot of verbiage and we put amendments into a piece of legislation that will not pass the House of Representatives, then so be it.

Senator HAGER. Mr. President, this is the third time I have asked permission to speak because I think at this point I need

it. If any Member of the Senate objects, of course, I cannot.

The point I am trying to make—and I do not believe it will take any more time—is that the gentleman from Lackawanna, Senator Mellow, says that this is going to give the people something. The fact is, this is not going to give the people anything. That is the whole point. If it were at 5,000 megawatts it might give the people something; at 7,500, it is just never going to come up.

Mr. President, to tell the people that with this bill they are getting a right to object is like telling them they are going to get the right to object when this reaches a million megawatts. It is just never going to happen and it is phony.

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—39

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

NAYS—6

Bell,	Early,	Kury,	Lewis,
Dougherty,	Kelley,		

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

The PRESIDENT pro tempore. Senate Bill No. 1222 will go over, as amended.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1233 (Pr. No. 1632) — 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 O'PAKE. Mr. President, because the subject matter of Senate Bill No. 1233—restoring the death penalty to Pennsylvania—is both important and complicated, let me take a few brief moments to summarize what Pennsylvania's law will be should this bill be enacted into law.

The subject is important, Mr. President, for the protection of our citizens. That the subject is complicated, Mr. President, can be attested to by the fact that our death penalty laws in this State have twice, in the past six years, been struck down as unconstitutional.

If this bill is enacted into law, Pennsylvania will continue to

have three degrees of murder. And, as before, first degree murder—the most serious crime we have—will require an intentional killing.

Moreover, as before, should the jury find the defendant guilty of an intentional killing, that jury will meet again to determine if the intentional killing was accompanied by aggravating or mitigating circumstances. To give a sentence of death, the jury must find an aggravating circumstance; on the other hand, if a mitigating circumstance is found, the sentence of death cannot be imposed.

Thus far, nothing is changed, Mr. President, and the aggravating circumstances to be considered by the jury remain the same as before.

If the killer's victim is a police officer, or a fireman, or a corrections officer in a prison, that shall be considered an aggravating circumstance. If the killing was by contract, it is considered aggravating.

If the dead victim was held hostage by the killer or used as a shield, that shall continue to be considered an aggravating circumstance. As before, killing during a hijack attempt is an aggravated killing. So too, if the killer snuffs out the life of a witness who was to testify against him, it shall be considered an aggravating circumstance.

If the defendant kills during the commission of a felony, or risks the life of more than one person during his killing, or tortures his victim, all these shall continue to be considered aggravating circumstances.

Finally, if the defendant kills while serving a life sentence—a case which recently took place at Graterford—it shall be considered aggravation.

As I said, Mr. President, these aggravating circumstances just mentioned are not changed in the bill before us and they adequately guide and focus the jury on the particulars of the crime as required by our appellate courts.

The first and perhaps the foremost change which Senate Bill No. 1233 makes in our death penalty statute is in the area of mitigating circumstances. As you know, the Pennsylvania Supreme Court, less than three months ago by a vote of 5 to 1, struck down Pennsylvania's death penalty statute in the Moody case. Their reasoning was fairly simple as indicated in their conclusion on page 9 of the opinion and I quote the Pennsylvania Supreme Court majority opinion in the Moody case.

"In our view, however, the constitutional defect of Section 1311 is that, unlike the statutes approved by the United States Supreme Court, it so narrowly limits the circumstances which the jury may consider mitigating that it precludes the jury from a constitutionally adequate consideration of the character and record of the defendant."

Further, on page 13 of the Moody opinion, the Pennsylvania high court concludes, and I quote again:

"Thus, in our view, in order to protect the defendant from cruel and unusual punishment in a capital case, it is now necessary . . . that the sentencing authority be allowed to consider whatever mitigating evidence relevant to his character and record the defendant can present."

On the basis of the language just recited from the Moody case, it seems fair to conclude that Pennsylvania, to cure its de-

fect, need assure that the jury be allowed to consider the defendant's character and record.

This we have done in Senate Bill No. 1233, Mr. President, by adding to the existing mitigating circumstances to be considered by the jury, the following language:

"Sufficient other evidence relevant to character and record of the defendant as to be considered a mitigating circumstance."

This language, Mr. President, should satisfy the Pennsylvania Supreme Court but in addition, it should make clear that the jury is not obligated to preclude the death penalty merely because a particle of good character is found or the absence of any criminal record is found. Rather, the jury would have to find "sufficient evidence" in order to preclude the death penalty.

Another mitigating circumstance was added by the Senate Judiciary Committee in reporting the bill to this floor. This language would require the jury to examine whether the defendant committed the killing while "under the influence of extreme mental or emotional disturbance." A number of other states carry identical language in their statutes.

The existing mitigating circumstances contained in our statute are carried over by Senate Bill No. 1233. These are: First, the age, lack of maturity, or youth of the defendant at the time of the killing.

Second, the victim was a participant in or consented to the defendant's conduct as set forth in Section 1311(d) of this title or was a participant in or consented to the killing.

Third, the defendant was under duress, although not such duress as to constitute a defense to prosecution under Section 309 of this title, relating to duress.

Finally, two other changes are made by Senate Bill No. 1233. It could be argued that neither is required by the Moody case. However, both changes cannot hurt the constitutionality of the statute, but can only help it.

One change would provide that where a jury is waived by the defendant in a capital case, the sentencing will be performed by the trial judge. At present, Supreme Court rules provide that a panel of three judges unanimously must agree on a sentence where the jury is waived.

It is wise to speak to this question by legislation. The lower court in the Moody case felt that leaving such sentencing procedure to Supreme Court rules presented constitutional problems because, as was the case at that time, there may be occasions where there are no rules in effect to cover such procedure.

The other change I mentioned finally, Mr. President, inserts the Georgia appeal procedure which will require the Pennsylvania Supreme Court to compare sentences in similar capital cases and to look for passion, prejudice, or arbitrariness in sentencing.

Although our high court in Pennsylvania did not speak to review procedure, the United States Supreme Court stressed the need for meaningful review procedures. They liked the Georgia and Florida review procedures and said so on several occasions.

I thank you for your indulgence, Mr. President. The people of Pennsylvania, I think it is fair to say, want capital punishment restored as an important part of their criminal justice system.

As I said last week, I, personally, would hope that capital

punishment would have to be invoked very rarely, if at all, in this Commonwealth, because that would mean that very few innocent lives, if any at all, had been taken by guilty murderers.

I urge the Senate to vote in the affirmative on this bill and give the people of Pennsylvania a constitutional death penalty statute.

Senator BELL. Mr. President, the matter before us is not a matter of punishment—an eye for an eye or a tooth for a tooth. The question—and I have been working on this for many years—is whether the death penalty constitutes a deterrent; whether a death penalty, by being in effect, will protect innocent people from future violent death; whether the death penalty, by being in existence, will cause a man or a woman, about to murder in cold, vicious circumstances, to think before he pulls that trigger.

We have a very split opinion on this. Some people say it will not deter; other people say it will deter. During hearings of the Capital Punishment Study Commission which the present Governor appointed, I sat through many days of testimony. I was impressed with the fact that those who testified that the death penalty was not a deterrent were the idealists, the sociologists, the psychologists, the penologists and, yes, those who teach criminal law. The people who testified that the death penalty was a deterrent were largely police officers. How many idealists are murdered; how many of them deal with murders? It is the police officer's day-to-day task to deal with the people we are talking about.

Commissioner Barger, head of the State Police, is very strongly of the opinion that the death penalty is a deterrent. The lobbyist for the Chiefs of Police, Francis Schafer, who has spent all his adult life in police work and who is in daily contact with the leaders of the municipal police, is very strongly of the opinion that the death penalty is a deterrent.

Who knows best, the professors, the ideologists, even we here in the Senate Chamber or those who, every day, have to deal with murder and especially the vicious murders? This is what convinced me that the death penalty is a deterrent and there is nobody who can unconvince me of that.

That, Mr. President, is why I am very strong to put the death penalty back into the law of Pennsylvania because I am convinced that Sergeant Morris Albany, my neighbor whom I spoke of last week, would be alive here today. His wife would not be his widow, his children would not be orphans if there had been a death penalty because the man who gunned him down had killed before.

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

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

Senator BELL. I will, Mr. President.

Senator HAGER. Mr. President, the gentleman used a phrase before in this regard, which I do not have exactly right, which I wish he would repeat. It has to do with, "We do not know how many ships would not have crashed . . ." I forget what it was and would appreciate it if the gentleman would repeat it.

Senator BELL. Mr. President, I said it last week when the gentleman from Lycoming, Senator Hager, was not here. "No-

body can tell how many ships would be wrecked if the lighthouse was not lit."

Senator HAGER. Mr. President, to paraphrase the poets, "Them's my sentiments exactly." I think that is the point. All the argument about whether or not the death penalty is a deterrent is pretty well summed up in the testimony of the gentleman from Delaware, Senator Bell. If you did not have it, Lord knows how many more murders there would be.

I was thinking, Mr. President, as we were about to vote on this bill, whether or not we have ever come anywhere. I remember my first year in this Senate, five years ago, the major issues before the Senate that year were abortion, energy parks, Senate Rules reform, pornography and the death penalty. It seems to me we are dealing with the same things all over again.

I also remember that I served on the Committee on Judiciary that year. We worked very hard on a joint committee with the House and Senate Committees on Judiciary attempting to draft language which would pass constitutional muster for a death penalty. We thought we had done all right. As a matter of fact, I think we did with the United States Constitution and with the United States Supreme Court. We then went afoul with the Pennsylvania Supreme Court.

I say this to the gentleman from Berks, Senator O'Pake: I only hope this bill passes the muster of both courts because I think everyone in this Commonwealth, by large numbers, is agreed that we do need a death penalty.

Mr. President, I would urge every Member to support this bill.

Senator ZEMPRELLI. Mr. President, I do not know that you need the beam from a lighthouse to be able to come to a conclusion on deterrence. I attended the same hearings as did the gentleman from Delaware, Senator Bell, and I was flabbergasted by the testimony that would allude to the fact that the death penalty was not a deterrent. I firmly believe that it is and nobody is going to convince me to the contrary.

A number of years ago Governor Shapp was so distressed by the death of a young guard from my hometown and a neighbor of mine, young Peterson, who was killed by a lifer in the Western Penitentiary, a very heinous crime. I believe at that time the prisoner said, "What difference does it make? I am here for life now, nothing will happen to me," or words to that effect. So calloused and so outrageous was that as to have taken four lives knowing that nothing would happen to him. There was one situation where the death penalty would have resolved it. I am sure it would have been a deterrent in the death of a fine, outstanding young man whose wife and children were a credit to that community. The community was outraged and quite properly so.

Mr. President, I stand foursquare behind this legislation and hope that we will pass it.

Senator BELL. Mr. President, I do not want to try to oversell something, but I was in the Pittsburgh riots with the National Guard. I went into the Hill District and when I was up there, I suddenly realized that little Army coat and that shirt I had was not much protection against an assassin's bullet. That is what our policemen face every night as they go out, that thin blue line. Every bit of protection and every bit of help we can give

them might save one of those men from being murdered.

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

NAYS—3

Arlene,	Howard,	McKinney,
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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.

HB 1326 (Pr. No. 2468) — 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—45

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

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Senator MESSINGER. Mr. President, I announce a very brief meeting of the Committee on Rules and Executive Nominations

in the rear of the Chamber. This is a continuation of the recessed meeting for the purpose of considering amendments to Senate Resolution, Serial No. 52.

The PRESIDENT pro tempore. There being no objection, the Committee on Rules and Executive Nominations will proceed with its meeting.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 1271 (Pr. No. 1494) and HB 1277 (Pr. No. 1500) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 191 (Pr. No. 2634) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

SB 74 (Pr. No. 74) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 117 (Pr. No. 2605) — Upon motion of Senator ROSS, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 292 — Without objection, the bill was passed over in its order at the request of Senator SNYDER.

BILL ON SECOND CONSIDERATION

SB 456 (Pr. No. 466) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 642 — Without objection, the bill was passed over in its order at the request of Senator ROSS.

BILLS ON SECOND CONSIDERATION

SB 645 (Pr. No. 686) and SB 809 (Pr. No. 868) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 885 — Without objection, the bill was passed over in its order at the request of Senator ROSS.

BILL REREFERRED

SB 892 (Pr. No. 1599) — Upon motion of Senator ROSS, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

HB 959 (Pr. No. 2567) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

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

BILLS OVER IN ORDER

SB 995, HB 1106 and SB 1239 — Without objection, the bills were passed over in their order at the request of Senator ROSS.

BILL ON SECOND CONSIDERATION

HB 1878 (Pr. No. 2301) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

FIRST CONSIDERATION CALENDAR

BILL ON FIRST CONSIDERATION

HB 235 (Pr. No. 255) — Considered the first time and agreed to,
Ordered, To be transcribed for a second consideration.

BILL OVER IN ORDER TEMPORARILY

HB 391 — Without objection, the bill was passed over in its order temporarily at the request of Senator ROSS.

BILLS ON FIRST CONSIDERATION

SB 677 (Pr. No. 719), HB 804 (Pr. No. 2635), HB 858 (Pr. No. 2636), SB 889 (Pr. No. 1630), SB 891 (Pr. No. 1631) and HB 1633 (Pr. No. 2193) — Considered the first time and agreed to,
Ordered, To be transcribed for a second consideration.

HB 391 CALLED UP

HB 391 (Pr. No. 2633) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the First Consideration Calendar by Senator HAGER.

BILL RECOMMITTED

HB 391 (Pr. No. 2633) — The bill was considered.

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

Senator HAGER. Mr. President, I object to the consideration of House Bill No. 391, Printer's No. 2633, as it is improperly upon the Senate Calendar, not having been reported from a committee at which a quorum was present for which notice was given including this bill.

The PRESIDING OFFICER. As I understand it, Senator Hager, there are two Rules of the Senate which control this situation. Rule XVI, Section 9, on page 15 of the Rules, provides as follows: "Any bill or resolution reported by any standing committee without prior notice having been given as required

by these rules shall be recommitted to the committee reporting the same."

There is, however, on page 16, Rule XVI, Section 16, the following Rule: "A committee or subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. A majority of the quorum of the whole committee shall be required to report any measure to the floor for action by the whole Senate. Any measure reported in violation of this Rule shall be immediately recommitted by the President when it is called to his attention by a Senator."

Senator Hager, you are claiming that either or both Rules have been violated, is that correct?

Senator HAGER. Yes, Mr. President.

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 HAGER. Mr. President, is it not true that the meeting notice originally given for the meeting of the Committee on State Government which was to be held on February 15th did not include a notice of this bill?

Senator McKINNEY. Yes, Mr. President, that is true.

The PRESIDING OFFICER. Is it true that it does not?

Senator McKINNEY. Mr. President, it is true. However, when an objection was raised at the meeting, I immediately announced that there would be a meeting the following day which was February 16th. The meeting which recessed on February 15th was reconvened the following day, which was some twenty-four hours later, to consider House Bill No. 391.

Senator HAGER. Mr. President, may I ask how many members of the committee were present at that meeting on Thursday, February 16th?

Senator McKINNEY. Mr. President, it is my understanding that you do not need a quorum when a recessed meeting is reconvened.

Senator HAGER. Of course, Mr. President, that is the point. Would the gentleman please answer my question? How many members of the committee were present on that day?

Senator McKINNEY. Mr. President, I do not have the minutes of the meeting with me.

Senator HAGER. Mr. President, perhaps I can refresh the gentleman's recollection. Is it not true that the gentleman from Philadelphia, Senator McKinney, and the gentleman from Philadelphia, Senator Smith, were present and no one else?

Senator McKINNEY. That could very well be, Mr. President.

Senator HAGER. Mr. President, it seems to me to say that when you give a notice for a meeting to be held on the 15th, for which there is no inclusion of this bill, and then reconvene a recessed meeting of the same committee for the next day and say a bill will be considered which was not in the original notice, it is in violation of both Rules.

Senator McKINNEY. I disagree, Mr. President.

The PRESIDING OFFICER. Senator Hager, are you presenting it to the Chair for consideration?

Senator HAGER. Yes, Mr. President. Under these Rules,

Rule XVI, Section 9 and Rule XVI, Section 16, it appears that there must be a valid notice, including the number of the bill, for a meeting. This is the same meeting. The attempt was to cure the notice defect and, at the same time, ignore the membership or presence requirements of the Senate Rules.

Therefore, Mr. President, I say that the bill was improperly considered by the committee at a meeting at which there was no quorum and for which there was no proper notice of this bill. It seems to me that, under the Rules, the President must recommit the bill for proper action by the committee.

Senator McKINNEY. Mr. President, may we be at ease?

MOTION TO RECOMMIT

Senator McKINNEY. Mr. President, I move that House Bill No. 391 be recommitted to the Committee on State Government.

The PRESIDING OFFICER. Senator McKinney has requested that House Bill No. 391, Printer's No. 2633, be recommitted to the Committee on State Government.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDING OFFICER. House Bill No. 391 is recommitted to the Committee on State Government.

PERMISSION TO ADDRESS SENATE

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

Senator McKINNEY. Mr. President, I will reschedule another meeting for Wednesday at 10:30 o'clock when we will reconsider House Bill No. 391.

The PRESIDING OFFICER. Senator McKinney has stated that the Committee on State Government will meet at 10:30 on Wednesday morning, March 1, 1978, for the purpose of considering House Bill No. 391, Printer's No. 2633, and such other business as may properly come before that committee.

UNFINISHED BUSINESS

RESOLUTION REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported with amendment, Senate Resolution, **Serial No. 52**, entitled:

Amending Senate Rules in regards to committee and private legal counsel.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

BILL REREFERRED

Senator SMITH, from the Committee on Appropriations, returned to the Senate **SB 1174**, which was rereferred to the Committee on Labor and Industry.

SENATE RESOLUTION AMENDING SENATE RULE 15

Senators KUSSE and ANDREWS offered the following resolution (Serial No. 78), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 27, 1978.

RESOLVED, That section 1. of Rule XV of the Rules of the Senate be amended to read:

XV AMENDMENTS

When in Order

1. Amendments shall be in order when a bill is reported or re-reported from committee, on second consideration and by unanimous consent on third consideration. No amendments shall be received by the presiding officer or considered by the Senate which destroys the general sense of the original bill, or is not appropriate and closely allied to the original purpose of the bill. [Any] Each member [upon request must] shall be furnished a copy of a proposed amendment at the time it is offered and be given a reasonable opportunity to consider the same before being required to vote thereon.

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 the West Philadelphia Speedboys Basketball Team by Senator McKinney.

Congratulations of the Senate were extended to Saul S. Lipman by Senator Schaefer.

Congratulations of the Senate were extended to the Westmoreland County Boroughs Association by Senator Kelley.

Congratulations of the Senate were extended to Mr. and Mrs. William Gudzon and to Judge R. Paul Campbell by Senator Corman.

Congratulations of the Senate were extended to Frank Kiraly and to Earl O. Bergstrom by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Roy E. Brumbaugh and to Mickey Shuler by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Capan by Senator Early.

Congratulations of the Senate were extended to The Honorable Robert N. C. Nix, Sr. by Senator Arlene.

Congratulations of the Senate were extended to Terry Klein, Patricia A. Toth, Richard A. Bach, Frank Cutrona, Robert F. Patterson, Jr., Sergeant Jeff Widdowson and to the Cranberry Township Volunteer Fire Company by Senator Andrews.

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 Thomas G. Rogers by Senator Dougherty.

PETITIONS AND REMONSTRANCES

Senator NOLAN. Mr. President, as a point of information to

my fellow Senators, I have just had the pages distribute copies of amendments to the resolutions which are on the Calendar at the present time so that they may study these before tomorrow's Session. I will be offering them as amendments to the various resolutions on the Calendar.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 28, 1978

9:30 A.M.	CONSUMER AFFAIRS (to consider Senate Bill No. 1268)	Senate Majority Caucus Room
10:30 A.M.	JUDICIARY (Public Hearing on the nomination of Thomas J. Terputac as Judge of the Court of Common Pleas for Washington County)	Senate Minority Caucus Room
11:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 1312 and House Bill No. 209)	Senate Majority Caucus Room
11:30 A.M.	EDUCATION (to consider Senate Bill No. 1214 and Senate Resolution No. 71)	Room 188
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations and House Resolution No. 154)	Rules Committee Conference Room

WEDNESDAY, MARCH 1, 1978

10:00 A.M.	BUSINESS AND COMMERCE (Public Hearing on Senate Bill No. 1147)	Senate Majority Caucus Room
10:30 A.M.	STATE GOVERNMENT (to consider House Bill No. 391)	Room 350

TUESDAY, MARCH 7, 1978

11:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 272, 379, 521, 694, 870, 1043, 1169; Senate Resolution No. 75; House Bills No. 993, 1239 and 1939)	Senate Majority Caucus Room
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THURSDAY, MARCH 9, 1978

10:30 A.M.	STATE GOVERNMENT (Public Hearing on Senate Bill No. 1262)	Senate Majority Caucus Room
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TUESDAY, MARCH 14, 1978

10:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 1294) Senate Majority Caucus Room

WEDNESDAY, MARCH 15, 1978

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on the nomination of Aldo Colautti as Secretary of Public Welfare) Senate Minority Caucus Room

10:30 A.M. STATE GOVERNMENT (Public Hearing on Senate Bill No. 1196) Senate Majority Caucus Room

TUESDAY, MARCH 21, 1978

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 979) Senate Majority Caucus Room

THURSDAY, APRIL 6, 1978

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bills No. 1229 and 1230) Senate Majority Caucus Room

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, February 28, 1978, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

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