

Legislative Journal

MONDAY, MARCH 6, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 12

SENATE

MONDAY, March 6, 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 HOWARD PAINE, Pastor of St. Thomas United Church of Christ, Reading, offered the following prayer:

Almighty God, the earth is Yours and the people of this Commonwealth are Your people. Take away our pride and bring to mind Your goodness so that living together in this land we may enjoy Your gifts and be thankful.

We thank You for clouded mountains, furrowed fields and shaded woodlands, for lakes and ponds and running streams, for mighty rivers and cascading falls.

We accept with gratefulness and develop with intelligence our resources deeper than the earth, rocks and minerals and the fuels of energy.

We rejoice in farms and villages where food is gathered by which we are fed and teeming cities where people gather to talk and work together in factories, offices, shops and schools, shaping those things we need for living.

We glory in explorers, planners, statesmen, in prophets who speak out and for silent faithful people and all who love our land and guard our freedoms.

We pray for vision to see Your purpose hidden in our unfolding history and for courage to seek that purpose and brotherly love exchanged.

Deliver us from divisions among us or class or race, from wealth that will not share and poverty that feeds on food of bitterness, from neglecting rights, from overlooking the hurt, the imprisoned and the needy among us.

Take from us all public deceptions that weaken trust, all self-seeking in high places of politics and power. Make us brave to seek Your will for the shaping of our affairs so that in all our decisions and actions we may bring honor and glory to You alone and to You be all dominion. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Paine who is the guest this week of Senator Michael A. O'Pake.

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 AND SENATOR STOUT

Senator MESSINGER. Mr. President, I request a legislative leave of absence for today's Session only for Senator Lewis who will be addressing a class on local government at the University of Pennsylvania. He is also attending a conference of the Fraternal Order of Police to discuss a number of Senate Bills in the Committee on Local Government.

I would also request a legislative leave of absence for Senator Stout.

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

COMMUNICATIONS FROM THE GOVERNOR APPROVAL OF SENATE BILLS

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

SB 699, 700 and 1068.

BILLS INTRODUCED AND REFERRED

Senator TILGHMAN presented to the Chair SB 1324, entitled:

An Act amending the act of July 7, 1977 (No. 7A), entitled "Motor License Fund Supplement to the General Appropriation Act of 1977," increasing an appropriation from the Motor License Fund for the payment of certain salaries.

Which was committed to the Committee on Appropriations.

He also presented to the Chair SB 1325, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," waiving immunity from suit in certain accidents in State parks.

Which was committed to the Committee on Environmental Resources.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 3:30 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 3:30 p.m., Eastern Standard Time.

AFTER RECESS

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

CALENDAR**SENATE RESOLUTION, SERIAL NO. 52, CALLED UP**

Senator MESSINGER, without objection, called up from page 7 of the Calendar, Senate Resolution, **Serial No. 52**, entitled:

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

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 52, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 52.

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—43

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

NAYS—0

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

SENATE RESOLUTION, SERIAL NO. 63, CALLED UP

Senator MESSINGER, without objection, called up from page 7 of the Calendar, Senate Resolution, **Serial No. 63**, entitled:

Urging the President and Congress to exert their best efforts towards resolution of Cyprus conflict.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 63, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 63.

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—43

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

NAYS—0

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

SENATE RESOLUTION, SERIAL NO. 66, CALLED UP

Senator MESSINGER, without objection, called up from page 7 of the Calendar, Senate Resolution, **Serial No. 66**, entitled:

Declaring the sense of the Senate that the reimbursable expense appropriation for Members of the Senate shall lapse at the end of their term and that all other appropriations for the Senate shall lapse at the end of twenty-four months.

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 66, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 66.

The motion was agreed to and the resolution was adopted.

SENATE RESOLUTION, SERIAL NO. 67, CALLED UP

Senator MESSINGER, without objection, called up from page 8 of the Calendar, Senate Resolution, **Serial No. 67**, entitled:

Declaring the sense of the Senate in regards to administration of the appropriated advancement accounts of the various officers of the Senate.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 67, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 67.

The motion was agreed to and the resolution was adopted.

SENATE RESOLUTION, SERIAL NO. 68, CALLED UP

Senator MESSINGER, without objection, called up from page 8 of the Calendar, Senate Resolution, Serial No. 68, entitled:

Amending Senate Rules creating a Committee on Ethics and Official Conduct.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 68, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 68.

On the question,

Will the Senate agree to the motion?

NOLAN-SMITH AMENDMENT

Senators NOLAN and SMITH offered the following amendment:

Amend Senate Resolution, by inserting before First Resolved Clause:

RESOLVED, That Senate Rule XXXVI be amended by adding a section to read:

XXXVI SENATE EXPENDITURES

* * *

4. All records of all expenses, expenditures, disbursements, and payments for all appropriations to the Senate or any of its offices or officers shall be transferred or filed with the Chief Clerk of the Senate which office shall act as a central records office for facilitating public inspection of said records. And be it further

On the question,

Will the Senate agree to the amendment?

Senator NOLAN. Mr. President, beginning with the opening of the records there have been those who have come in to the various offices of the President pro tempore, the Majority Leader, the Chief Clerk and other offices requesting certain information. They have gone over these files taking much time of the various offices.

My amendment addresses itself, as was proposed earlier by the gentleman from Bucks, Senator Howard, to records filed in a central location and made available to the public for inspection. I believe this is the proper way and they would be more readily available to the general public if it were done this way.

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

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

Senator NOLAN. I will, Mr. President.

Senator STAUFFER. Mr. President, is this the only amendment to this particular resolution the gentleman has to offer or will there be others to follow?

Senator NOLAN. Mr. President, this is not the only amendment. There are others to follow.

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

Senator NOLAN. Mr. President, I would like to make one statement in that regard. I split these amendments so that the Members can vote on the various changes one by one.

Senator STAUFFER. Mr. President, the words I wish to speak regard not only the current amendment but also the entire package of amendments which the gentleman will present. I believe there is, no doubt, some merit to some of the items contained in the amendments the gentleman proposes. I would suggest, however, that they be defeated and introduced as resolutions to be considered by the Senate in committee through the regular process which we normally use in considering resolutions of this type.

I would point out to the Members that the resolution before us, Senate Resolution, Serial No. 68, is the product of the ad hoc committee which was appointed by the President pro tempore of the Senate, a committee which met on a number of occasions, spent a great deal of time deliberating and drafting the proposed Rule change. I would suggest rather than whittle this resolution with amendments which we may not fully understand or be able to comprehend in a brief moment of consideration, it would be much better that any further Rules changes be introduced and that we have the opportunity, as Members of the Senate, to carefully consider them and consider them in relation to the other Rules and Rule changes so that we end up with a product which is both viable and acceptable to the Senate.

Senator NOLAN. Mr. President, for more than a week every Member of this Senate has had copies of these amendments. They should have knowledge of these amendments because they were distributed on the Senate floor by the pages. Therefore, the argument that they do not have enough knowledge or they should have more knowledge does not hold water.

And the question recurring,

Will the Senate agree to the amendment?

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

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

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

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

YEAS—8

McKinney, Mellow,	Nolan, Orlando,	Schaefer, Smith,	Stapleton, Sweeney,
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NAYS—34

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Early, Fleming, Gekas,	Hager, Hess, Holl, Hopper, Howard, Jubelirer, Kury, Kusse, Lewis,	Lynch, Manbeck, Messinger, Moore, Murray, Noszka, O'Pake, Reibman,	Romanelli, Ross, Scanlon, Snyder, Stauffer, Stout, Tilghman, Zemprelli,
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So the question was determined in the negative, and the amendment was defeated.

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

NOLAN-SMITH AMENDMENT

Senators NOLAN and SMITH offered the following amendment:

Amend Resolution, by inserting between lines 7 and 8:

RESOLVED, That Senate Rule XVI, section 5 be amended to read:

XVI COMMITTEES

* * *

Powers and Responsibilities

5. Permanent standing committees are authorized:

(a) to maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as the standing committee or select subcommittee shall designate, concerning the operation of any Commonwealth agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area. The standing committee or subcommittee is authorized to require public officials and employees and private individuals to appear before the standing committee or subcommittee for the purpose of submitting information to it;

(b) in order to carry out its duties, each standing committee or subcommittee upon written approval of the Chairman is empowered with the right and authority to inspect and investigate the books, records, papers, documents, date, operation, and physical plant of any public agency in this Commonwealth;

(c) in order to carry out its duties, each standing committee or subcommittee upon written approval of the Chairman may issue subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence desired by such committee. The Chairman may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may desire evidence: and be it further

RESOLVED, That Senate Rule XVI be amended by adding a section to read:

5.1. (a) All legislative committee or subcommittee records, files and other documents relating to any investigation conducted with committee personnel or funds shall be open to and made available upon written request to all Senators. However, all matters which affect allegations of criminality or which would tend to defame shall be treated as confidential by the requesting party.

(b) No Chairman, Vice-Chairman or Designee thereof or member of a legislative committee or subcommittee may incur expenses for investigative purposes without the consent of the committee; and be it further

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

Senator NOLAN. Mr. President, recently the Committee on State Government held a public hearing. At that hearing a Senator appeared in opposition to one of the appointees of the Governor and made certain allegations against that appointee. When we requested of the Senator that he turn over his file on this individual to the committee, he absolutely refused to release the file on this individual. He further stated he would not turn any of his files over to any committee or any Senator in this Senate.

This amendment requires that Senator or any Senator, who may have files on any individual and has used Senate funds to carry on an investigation of any individual, to make those files available to any Senator on written notice. The Senator making that request, under this amendment, must keep it confidential. That is the reason for this amendment.

Mr. President, I ask an affirmative vote on this amendment.

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

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

YEAS—15

Early,	Mellow,	O'Pake,	Smith,
Kury,	Murray,	Orlando,	Stapleton,
Manbeck,	Nolan,	Ross,	Sweeney,
McKinney,	Noszka,	Schaefer,	

NAYS—27

Andrews,	Gekas,	Kusse,	Scanlon,
Bell,	Hager,	Lewis,	Snyder,
Coppersmith,	Hess,	Lynch,	Stauffer,
Corman,	Holl,	Messinger,	Stout,
Dougherty,	Hopper,	Moore,	Tilghman,
Dwyer,	Howard,	Reibman,	Zemprelli,
Fleming,	Jubelirer,	Romanelli,	

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

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

NOLAN-SMITH AMENDMENTS

Senators NOLAN and SMITH offered the following amendments:

Amend First Resolved Clause, line 2, by striking out "a rule" and inserting: rules

Amend Resolution, by inserting after last line on last page:

XXXVIII DISTRICT OFFICE RENTAL

1. No Senate expense voucher shall be honored nor shall expenses for office rental, office maintenance, office renovation or rental of office equipment be reimbursable if the operation of legislative business is conducted in or commingled with the operation of any office used for separate commercial purposes, includ-

ing, but not limited to, law offices, corporate offices and business offices operated for profit.

2. No Senate expense voucher for office rental, office maintenance or office renovation shall be honored or be reimbursable if a Senator, a spouse or child, or any entity of which the Senator is an officer, director, trustee, partner or employee possesses any ownership interest in the real property in which the Senator's district office is located.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, the adoption of these amendments to Senate Resolution, Serial No. 68 will put a stop to certain Senators paying to their business partners an agreed upon figure for rent on a monthly basis. They will put a stop to the Senators sharing the expense of redecorating those offices with taxpayers' funds. They will put a stop to the payment of rents to one's self or one's family. These amendments do not affect the telephones, stamps and so forth that were complained about here on this floor one week ago. That has been corrected so that we are addressing ourselves only to the moneys being used for rent and redecorating certain offices shared by others.

Senator COPPERSMITH. Mr. President, I would like to point this out: It applies to my situation where I do not charge any rental to the Commonwealth for the use of my space, which is a law office. However, the building is owned by a corporation in which I do hold a very small percentage of the stock of the corporation. I pay \$550 per month for my law office rental and yet I could not receive any reimbursement for out-of-pocket expenses if these amendments are adopted even though there is no charge to the Commonwealth for the rental of the space.

Mr. President, I think it is unfair. If we are going to deal with the situation which was discussed by the gentleman from Allegheny, we should use a rifle and not a blunderbuss. This certainly is a very unfair way to deal with a situation which is not costing the Commonwealth any money.

Senator NOLAN. Mr. President, I disagree with the gentleman from Cambria, Senator Coppersmith. If he is not paying himself any rent at the present time, the amendments do not apply to him. They specifically state in a case of this type you cannot pay yourself, a corporation in which you are a partner, or another partner any portion as rent. They address only rents and redecorating those offices for the purpose of having a Senatorial office shared with some business.

I cannot, for the life of me, understand how any Senator can be a full-time Senator and not have a full-time office absolutely divorced from any other business in which they may be engaged. That is an impossibility and that is why these amendments are being offered here today.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—12

Early,
Hess,
Hopper,

Manbeck,
Moore,
Nolan,

O'Pake,
Orlando,
Schaefer,

Smith,
Stapleton,
Sweeney,

NAYS—31

Andrews,
Arlene,
Bell,
Coppersmith,
Corman,
Dougherty,
Dwyer,
Fleming,

Gekas,
Hager,
Holl,
Howard,
Jubelirer,
Kury,
Kusse,
Lewis,

Lynch,
McKinney,
Mellow,
Messinger,
Murray,
Noszka,
Reibman,
Romanelli,

Ross,
Scanlon,
Snyder,
Stauffer,
Stout,
Tilghman,
Zemprelli,

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

And the question recurring,

Will the Senate agree to the motion?

NOLAN-SMITH AMENDMENTS

Senators NOLAN and SMITH offered the following amendments:

Amend Resolution, line three, by inserting a period after "conduct"

Amend Resolution, lines three through sixteen, by striking out "which shall be composed of six members"

in line three, and all of lines four through sixteen, and inserting: The committee shall consist of as many subcommittees as is necessary to carry out the powers and duties imposed by this rule. Each subcommittee shall consist of six members whose names shall be drawn by lot, three members from the Majority Caucus and three members from the Minority Caucus. A subcommittee shall only deal with the complaint or cause of action submitted to it. A new subcommittee, chosen as heretofore set forth, shall be utilized for each complaint or cause of action submitted for committee action.

2. The Chairman and Vice-Chairman of the subcommittee which shall be of different political parties, shall also be drawn by lot from the six members of the subcommittee. A quorum for each subcommittee shall be four members and the subcommittee shall have such duties, powers, procedure and jurisdiction as are prescribed and authorized in this rule.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, what I propose here is, as pointed out, an ethics committee by drawing of lots. I hate to think what our system would be in this country if the same jury heard every case before the courts. Each and every case requires a different jury and I know there are those sitting here today who are fearful of the same committee judging every case that comes before the ethics committee.

Personally, I do not think an ethics committee is necessary until such time as there are charges filed with the President of

the Senate. Only then is it necessary to appoint an ethics committee and, at that time, I believe it should be by the drawing of lots rather than by appointment of a permanent committee.

Mr. President, I ask the immediate adoption of these amendments.

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

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

Senator NOLAN. I will, Mr. President.

Senator HOWARD. Mr. President, I served on the Scanlon committee and I am interested from an internal functioning standpoint; did the gentleman submit any of these recommendations to the Scanlon committee while it was at work?

Senator NOLAN. Mr. President, I am glad the gentleman asked that question. No, I did not and I think that the promise made to us in caucus was, before anything was put into the Committee on Rules and Executive Nominations from that Scanlon committee, it would be submitted to our caucus, as a caucus.

Very unfortunately, the proposals which were finally recommended by the Scanlon committee were given to the Committee on Rules and Executive Nominations before they were taken back to the caucus where changes could have been proposed. Instead, during the fight on taxes, we received quite a stack of papers as to what was being discussed and we were requested at that time to make recommendations. At that time, all of us had to recognize the most important thing before this Senate was not any rules of ethics or otherwise. The only thing before this Senate at that time, and rightly so, was the tax situation in this State.

Senator HOWARD. Mr. President, I am not sure I agree with the gentleman. I believe the Rules and the events we have been dealing with were certainly on the minds of many of us and were of equal gravity to the struggle we were going through with the budget.

Be that as it may, what distresses me is that a number of these proposals are long overdue for discussion by the Senate. I do not happen to be involved in the issue dealing with who pays rent to whom. I rent an independent office myself. However, I have no problem with someone that chooses to pay reasonable rent for reasonable facilities though he may be a shareholder in the building. What the public cares about and what I care about is applying a little bit of common sense to that equation. I think common sense dictates whether you extravagantly redecorate or whether you are talking about a room in your basement or you are talking about your own office in this building. I believe the money spent, if extravagant, is of equal violation of public trust and I, for one, have been voting against these resolutions because I hope that now we are beginning to get the message that all of these matters should be discussed in public for a change. I believe the issue about whether lawyers can represent clients before agencies who then in turn come to the Senate for their appropriations has been long overdue.

Some of these proposals of the gentleman from Allegheny, Senator Nolan, have a strange familiarity to them because I think a number of us have proposed them over the years and

have seen them die in the Committee on Rules and Executive Nominations or some place else with a great deal of regularity.

While I am continuing to vote against some proposals, particularly because I am a little concerned that none of these came before the Scanlon committee because there were eight of us on that committee, all of us eager to get recommendations from the outside, I think that was the appropriate time to do it. I believe the matters were not treated with the Scanlon committee, and we all agreed there were matters that we did not feel we could cover at that time, therefore, I believe this should be just the beginning, the adoption of these committee reports in their present form. I strongly urge this and I think that should be the launching pad so we can get into these other matters which have been begging for some sort of solution.

I believe it is about time we start dealing with these matters on a common sense basis. I do not think we have done it in the past. I expect to vote against the rest of these resolutions because I would like to see the Scanlon committee reports adopted in their present form but I am doing that, as I suspect many of you are doing, because I feel that this now is finally the beginning of a constructive process in this Body that is just about eight years overdue.

Senator NOLAN. Mr. President, I have before me a copy of Senate Bill No. 708 introduced by the gentleman from Bucks, Senator Howard, and the gentleman from Bucks, Senator Lewis, on April 18, 1977. It deals with ethics.

I wonder if the gentleman from Bucks, Senator Howard, put this bill before this eight-man committee when they were discussing the resolutions we are now voting on this afternoon? Certainly he must have gotten the message by now. It is since last April, it will soon be a year and his bill has not been acted on. Here is an opportunity, in the next two amendments I have, to put into this ethics committee many of the things the gentleman proposed in Senate Bill No. 708.

Mr. President, I ask an affirmative vote on these amendments.

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—8

Arlene, Dwyer,	Gurzenda, Hess,	Nolan, Orlando,	Smith, Sweeney,
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NAYS—36

Andrews,	Holl,	McKinney,	Ross,
Bell,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Snyder,
Dougherty,	Kury,	Murray,	Stapleton,
Early,	Kusse,	Noszka,	Stauffer,
Fleming,	Lewis,	O'Pake,	Stout,
Gekas,	Lynch,	Reibman,	Tilghman,
Hager,	Manbeck,	Romanelli,	Zemprelli,

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

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

NOLAN-SMITH AMENDMENTS

Senators NOLAN and SMITH offered the following amendments:

Amend first RESOLVED clause, line 2 by striking out "a rule" and inserting: rules
Amend first RESOLVED clause, by adding at the end thereof:

XXXVIII. PROHIBITION AGAINST CERTAIN REPRESENTATION

No Senator or Senate employee, nor any firm, partnership or association of which a Senator or Senate employee is a partner, associate or employee, shall receive any compensation or enter into any agreement with any person for compensation for services rendered or to be rendered, for representing, appearing for, or interceding in behalf of such person in any transaction involving the Commonwealth or any of its agencies or the Governor, Lieutenant Governor, Auditor General or Treasurer except as follows:

(1) The proceeding is before any court.

(2) The proceeding involves only the uncontested and routine action of administrative officers or employees of the Commonwealth in issuing or renewing a license, charter certificate or similar document.

(3) The proceeding involves only the preparation, filing and routine review of tax returns and supporting documents required by law.

(4) The proceeding involves only the preparation, filing and routine review of engineering and architectural plans, drawings, specifications and reports.

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

Senator NOLAN. Mr. President, these amendments address themselves to the prohibition of any Senator representing anyone before any of the State agencies and receiving compensation for their services.

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

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

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

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

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

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

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

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

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

YEAS—19

Arlene,	Gurzenda,	Mellow,	Schaefer,
Bell,	Hess,	Nolan,	Smith,
Coppersmith,	Kury,	O'Pake,	Stapleton,
Dwyer,	Manbeck,	Orlando,	Sweeney,
Early,	McKinney,	Ross,	

NAYS—25

Andrews,	Hopper,	Messinger,	Scanlon,
Corman,	Howard,	Moore,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stauffer,
Fleming,	Kusse,	Noszka,	Stout,
Gegas,	Lewis,	Reibman,	Tilghman,
Hager,	Lynch,	Romanelli,	Zemprelli,
Holl,			

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

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

Senator NOLAN. Mr. President, I offer the final amendments to Senate Resolution, Serial No. 68 and I would request that, because it is three pages long, it not be read in its entirety. Each Senator has received a copy of these amendments.

NOLAN-SMITH AMENDMENTS

Senators NOLAN and SMITH offered the following amendments:

Amend Rule 37, by inserting between sections 9. and 10.:

9.1. No Senator shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

9.2. No Senator shall improperly disclose confidential information acquired by him solely in the course of his official duties nor use such information to further his personal interests.

9.3. No Senator shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others but this subsection shall not be deemed to prohibit such member from servicing the reasonable request of constituents or making inquiries to Commonwealth agencies for information.

9.4. No Senator shall knowingly solicit, accept, or receive any gift or compensation, other than that provided by law, which is intended to influence the performance of his official duties or which would influence the performance of his official duties nor shall any Senator solicit, accept, or receive any such gift or compensation for advocating the passage or defeat of any legislation or for doing any act intended to influ-

ence the passage or defeat of legislation.

9.5. No Senator shall receive compensation or anything of economic value for any consultation, the subject matter of which is devoted substantially to the responsibilities, programs, or operation of the General Assembly, or draws substantially upon official data or ideas which have not become part of the body of public information.

9.6. No Senator shall participate as a principal in negotiating any transaction involving the Commonwealth or any Commonwealth agency in which he, his spouse or child, or any person of which he is an officer, director, trustee, partner or employe has a substantial personal economic interest as distinguished from that of a general class or general group of persons of which he may be a member.

9.7. No Senator shall receive any compensation or gifts for obtaining publications, documents, certificates, or licenses for others, except that members may be reimbursed for the actual cost of such publications, documents, certificates or licenses.

9.8. Subsections 9.4, 9.5 and 9.6 shall not apply to:

(1) Receipt of bona fide reimbursement, from constituents or others for actual expenses for travel and such other necessary subsistence in order to perform legislative services for which no Commonwealth payment or reimbursement is made.

(2) Participation in the affairs of charitable, religious, nonprofit educational, public service or civic organizations, or the activities of national or State political parties not proscribed by law.

(3) Awards for meritorious public contribution given by public service or civic organizations.

(4) Any compensation received as a result of a successful competitive bid where more than two bids were received, or by reason of emergency circumstances, where bidding is not required, providing in cases of emergency circumstances the Senator did not participate in negotiations leading to procurement of the contract.

(5) Campaign contributions for use in meeting campaign expenses by any official who seeks public office.

Amend Rule 37, by inserting between sections 10. and 11.:

10.1. Every Senator shall, within the first one hundred twenty calendar days after the commencement of the General Assembly, file with the appropriate person a written statement of:

(a) Every investment which the Senator holds on the date of filing in any business corporation or other business entity legally qualified to do business in the Commonwealth valued in excess of five thousand dollars (\$5,000) or five per cent of the total capital of the entity, but it shall be sufficient to identify the specific industry and no firm or organization need be named

nor dollar amounts or percentages stated. For purposes of this clause, the term value shall mean purchase price or market value (if available) whichever is higher.

(b) The offices and directorships held on the date of filing in any firm, corporation or other business entity legally qualified to do business in the Commonwealth, but it shall be sufficient to identify the entity, and no dollar amounts need be stated.

(c) Any investments exceeding five thousand dollars (\$5,000) or five per cent of the total capital of the business which the Senator holds on the date of filing or acquires in any corporation or other business entity which is licensed or subject to the rate-making or other similar nonministerial process of the following agencies of the Commonwealth: (i) the Liquor Control Board, (ii) the Public Utility Commission, (iii) the Milk Marketing Board, (iv) the Department of Insurance, (v) the Department of Banking, (vi) the Harness or Horse Racing Commissions: Provided, That it shall be sufficient to identify the entity, and no amounts need be disclosed.

(d) Any investment in any corporation or other business entity contracting with the State in excess of five thousand dollars (\$5,000) per year, if the Senator holds on the date of filing an interest which exceeds ten per cent of the total capital of the entity: Provided, That it shall be sufficient to identify the entity and no amounts need be disclosed.

Clauses (a), (b), (c) and (d) shall not be interpreted or construed to include any money or credits deposited or held as a trustee by the Senator in banks, savings and loan association, credit unions, mutual funds, brokerage accounts, escrow funds or equities in insurance policies, retirement funds, annuities, governmental or municipal bonds and notes or other fund interest bonds.

10.2. As long as a Senator retains his office or employment he shall, within the first one hundred twenty days after the commencement of each session of the General Assembly, file an amended statement with the appropriate officer or notify such appropriate officer in writing that no change of condition has occurred that would require an amended statement.

10.3. All new Senators shall within one hundred twenty days after attaining such status file an economic interest statement with the appropriate office.

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

Senator NOLAN. Mr. President, these amendments address themselves to conflict of interest and disclosure of each Senator's income. That is as brief as I can state it.

Senator ROMANELLI. Mr. President, I do not happen to have a copy of the amendments with me. I believe they were

distributed in caucus and I do not have one. I would like the Clerk to read the amendments in their entirety.

The PRESIDENT pro tempore. If the Senator would like to have a copy, I am sure one of the Senators would share his copy.

Senator NOLAN. Mr. President, in order to keep the record straight, copies of the amendments were placed on each desk in the Senate Chamber, not in the caucus.

The PRESIDENT pro tempore. Would someone please give Senator Romanelli a copy of the amendments?

Senator ROMANELLI. Mr. President, would you instruct the Clerk to read the amendments, please?

The PRESIDENT pro tempore. Would Senator Romanelli like the Clerk to read the amendments?

Senator ROMANELLI. May we be at ease, Mr. President?

The President pro tempore. The Senate will be at ease for a moment.

(The Senate was at ease.)

Senator ROMANELLI. Mr. President, as far as I am concerned, you may proceed with an abbreviated reading of the amendments.

The PRESIDENT pro tempore. Thank you, Senator.

Senator NOLAN. Mr. President, at the present time the Senate has before it Senate Bill No. 95, Senate Bill No. 79, Senate Bill No. 838 and Senate Bill No. 708.

Senate Bill No. 95 has fourteen Senators who helped sponsor that ethics bill.

Senate Bill No. 79 has fourteen Senators who sponsored that bill.

Senate Bill No. 838 has one Senator sponsoring the bill.

Senate Bill No. 708 has two Senators sponsoring the bill.

We find that these bills were introduced on April 18, May 2, 1977, January 4, 1977, and March 15, 1977. The amendments before this Senate at the present time is a composite of these four bills introduced last year in this Senate and as of this date have not seen the light of day.

Mr. President, I ask an affirmative vote on these amendments.

Senator SCANLON. Mr. President, I do not think anyone has any opposition to the substance of these amendments, but therein precisely is the problem. They are substantive legislation and rise to the dignity of an act of the General Assembly rather than a change in our Rules.

As you know, Rules expire at the end of every Session and must be readopted. When I vote against these particular amendments, I am voting because they are substantive changes in the law and I believe it is a circumvention to try to incorporate them into a change in the Rules.

I would think that the committee chairmen of the committees wherein these bills are reposing should bring them out in order that we may vote on them and I agree with the gentleman. However, that is not the reason I am voting against these amendments today. I do not think they are germane to a change in our Rules creating an ethics committee but, rather, they have to do with the substance of ethics itself and should appear in the form of legislation.

For that reason only, Mr. President, I urge a "no" vote on these amendments.

Senator NOLAN. Mr. President, we can talk all we want about substantive legislation. I want to say that this is the third Session of this Senate in which I have introduced an ethics bill and not one time has that ethics bill seen the light of day.

We are addressing ourselves to Senate ethics today and I believe we can show a very good example to the rest of the departments of government which are covered in the bills I mentioned by accepting a code of ethics along these lines for ourselves. We can then go to these other departments and say, "If it is good enough for us, it is good enough for you."

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

Senator HAGER. Mr. President, I would like to join with the gentleman from Allegheny, Senator Scanlon, in urging a "no" vote. A number of us on this floor during the past years have offered legislation at least as comprehensive as this to deal with the question of ethics. It seems to me that some of these are hurried. For instance, in the last one a lawyer could not represent anyone in a transaction unless it was before a court. What they really mean is that the lawyer could not represent anyone until the case got to court. So, in the less inflammatory circumstances, the Member or any partner or associate of his could not be involved, but once it became very inflammatory he could.

It also seems to me that these should be studied. It should be done as a statute and not in the middle of establishing a Senate Ethics Committee and I would urge a "no" vote.

Senator STAUFFER. Mr. President, I would like to refresh the memory of the gentleman from Allegheny when he indicates that none of the bills which were introduced on the subject of ethics saw the light of day. It is a fact that in this current Session, Senate Bill No. 95, of which the gentleman himself was the prime sponsor, was reported from committee. I would point out that it was on the gentleman's motion that the bill was recommitted to committee. In fact, when he moved to recommit that bill, I interrogated him to learn if it was his intention to have that bill brought back to the Senate floor after the recess which we were about to take at that time. He indicated that was to be the case after the committee considered some amendments. He indicated that it was the intention of the committee to report the bill back to the floor when the amendments, which he wished to consider, were considered by the committee.

Therefore, I do not believe it is quite correct to tell the Members that the Code of Ethics legislation did not see the light of day when in fact it did see the light of day and the gentleman himself recommitted the bill.

Senator HOWARD. 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 HOWARD. Mr. President, I know that the gentleman in years past has also had a great deal of sympathy for some of the proposals incorporated in the bill which are being discussed by the gentleman from Allegheny, Senator Nolan.

Since the gentleman from Lehigh, Senator Messinger, is

Chairman of the Committee on Rules and Executive Nominations and much of this legislation is in that committee, I would like to know if the gentleman might be able to indicate to the Senate when the committee would schedule any one of these bills to be acted on, either as a vehicle for additional amendments or to be brought to the Senate floor so that we could make this matter a subject of immediate discussion in the Senate?

Senator MESSINGER. Mr. President, as far as I am concerned those bills, if they are in my committee, may be brought up at any time. I am certainly in sympathy with the idea but I also believe that, in conformance with the act which was established in 1968, this should be the subject of legislation rather than a Rules change.

Now that we may have a committee, which we were supposed to have for the past ten years, if we adopt this resolution, we will have a committee and then I believe the legislation will be more applicable.

Senator HOWARD. Mr. President, I am looking for a date certain. Is there a meeting of the Committee on Rules and Executive Nominations tomorrow?

Senator MESSINGER. Mr. President, there is a meeting of the Committee on Rules and Executive Nominations tomorrow, but I did not advertise these particular bills. I certainly will put them on the agenda within the next week or two.

Senator HOWARD. Mr. President, let us not make it a week or two. Could we list any one of these bills as the subject of the regular meeting of the Committee on Rules and Executive Nominations next week? Will there be a meeting next week?

Senator MESSINGER. Mr. President, I suspect that we will have a meeting next week and it could be listed at that time.

Senator HOWARD. Mr. President, would the gentleman be prepared to make a commitment that he would be willing to put this on the agenda?

Senator MESSINGER. Yes, Mr. President.

Senator DOUGHERTY. Mr. President, as a person who has cosponsored most of the reform amendments of the gentleman from Bucks, Senator Howard, since I came here to the Senate, I am getting a little distressed to sit here and go through what appears to be somewhat of a charade.

The gentleman from Allegheny, Senator Nolan, if I am correct, was the chairman of the Committee on Rules and Executive Nominations for three years when most of this legislation was in his care. Now, all of a sudden, having had the Scanlon committee do a thorough job on Rules, we are being put on the spot here to vote on amendments now being proposed by the gentleman when he did not care to bring this legislation out two or three years ago, when it might have been more appropriate.

Senator NOLAN. Mr. President, it is very unfortunate that the gentleman from Philadelphia, Senator Dougherty, cannot keep up with everything that happens in the Senate—I know he would like to—and be informed of everything. If he would look back into the minutes of the Committee on Rules and Executive Nominations when I was chairman, we had a public hearing down in the Majority caucus room. At that time the gentleman from Bucks, Senator Howard, was called to the meeting and

presented his argument for the Rules he had proposed. It was after that that the committee voted not to release those bills from the Committee on Rules and Executive Nominations.

Mr. President, when the gentleman from Philadelphia, Senator Dougherty, stands on this floor and tries to paint me with a brush of never considering those Rules, he is wrong, because they were considered by the Committee on Rules and Executive Nominations and the committee voted not to release them to the floor of the Senate.

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

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

Senator NOLAN. I will, Mr. President.

Senator SCHAEFER. Mr. President, in reading over the resolution before us, I certainly agree with its general aim and intent but I have a few questions I should like to ask the gentleman as to what he means by certain words he uses.

For example: Over and over again in this resolution we see the words "confidential information." What does that mean under the terms of this resolution?

Senator NOLAN. Mr. President, being an attorney the gentleman should know what the word "confidential" means. There are certain documents which are confidential that could ruin the reputation, for instance, of somebody who is completely innocent of some charge that has been made off the cuff. When you go in and receive this type information, it should be treated confidentially as to the findings and should not be made public knowledge all over the place when a man is not guilty of the charges that have been preferred.

Senator SCHAEFER. Mr. President, I also note the words "improperly disclose confidential information."

What is meant by the use of the words "improperly disclose"?

Senator NOLAN. Mr. President, "improperly disclose" is just a polite way of saying "leaked." We do have Members of our own caucus who cannot wait until that caucus is over to go out of that caucus and "leak" to different individuals what was considered to be privately said in that caucus. This is what we mean by that, "leaks" in other words.

Senator SCHAEFER. So I take it, Mr. President, the aim and intent of these particular amendments is to protect the dissemination of information to the public from the caucus?

Senator NOLAN. Mr. President, I think our caucuses are private, have always been private. However, there are Members of the Senate who do leak certain information out of the caucus and if they practice that, they will leak other information which should be held in confidence to different people who are not entitled to that. So if you commit that sin in a minor way, you will do it again when it is very important.

Senator SCHAEFER. Mr. President, I believe this interrogation illustrates some of the ambiguities of the terms which are used in these amendments. While I certainly share the gentleman's concern for problems surrounding ethical codes, I would urge a "no" vote so that this matter can be thoroughly reviewed in the upcoming meeting of the Committee on Rules and Executive Nominations as the gentleman from Lehigh, Senator Messinger, has indicated to us.

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

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

YEAS—12

Dwyer, Early, Gurzenda,	Kury, Manbeck, Mellow,	Nolan, O'Pake, Orlando,	Smith, Stapleton, Sweeney,
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NAYS—31

Andrews, Bell, Coppersmith, Corman, Dougherty, Fleming, Gekas, Hager,	Hess, Holl, Hopper, Howard, Jubelirer, Kusse, Lewis, Lynch,	McKinney, Messinger, Moore, Murray, Noszka, Reibman, Romanelli, Ross,	Scanlon, Schaefer, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

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

REQUEST FOR RESOLUTION OVER IN ORDER

Senator EARLY. Mr. President, I would respectfully request that Senate Resolution, Serial No. 68 go over in order so that I may offer additional amendments.

The PRESIDENT pro tempore. There are objections to the request.

MOTION FOR RESOLUTION OVER IN ORDER

Senator EARLY. Mr. President, I move that Senate Resolution Serial No. 68 go over in its order and ask for a roll call vote.

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

Senator MESSINGER. Mr. President, I urge a "no" vote on this motion. We have been discussing this for many days and we will bring up the substantive measures of any of the bills which happen to be in the Committee on Rules and Executive Nominations and the other committees. I hope we will get this into legislation rather than just Rules of the Senate.

Senator NOLAN. Mr. President, I rise in support of the motion of the gentleman from Allegheny, Senator Early. I believe he should be given the opportunity to amend, or at least offer amendments to Senate Resolution, Serial No. 68. After hearing the remarks of the Majority Leader, I have here in front of me a resolution which I will introduce, when we get back to Resolutions, a resolution pertaining to each and every one of these and request that he give them the swift action that he gave the Scanlon committee resolutions.

Senator BELL. Mr. President, I note that this Senate resolution has been on the Calendar for seven legislative days. That is almost a month.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—8

Dwyer, Early,	Gurzenda, Mellow,	Nolan, Orlando,	Smith, Sweeney,
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NAYS—35

Andrews, Bell, Coppersmith, Corman, Dougherty, Fleming, Gekas, Hager, Hess,	Holl, Hopper, Howard, Jubelirer, Kury, Kusse, Lewis, Lynch, Manbeck,	McKinney, Messinger, Moore, Murray, Noszka, O'Pake, Reibman, Romanelli, Ross,	Scanlon, Schaefer, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli,
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So the question was determined in the negative, and the motion was defeated.

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

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

YEAS—43

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Early, Fleming, Gekas, Gurzenda, Hager,	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—0

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

HOUSE CONCURRENT RESOLUTION
NO. 118, CALLED UP

Senator MESSINGER, without objection, called up from page 8 of the Calendar, House Concurrent Resolution No. 118, entitled:

Memorializing Congress to oppose the inland waterways user fee currently in Senate Bill 790.

On the question,
Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 118

Senator MESSINGER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 118.

The motion was agreed to and the resolution was concurred in.

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

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

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

RECONSIDERATION OF SB 743

BILL ON THIRD CONSIDERATION AMENDED

SB 743 (Pr. No. 1619) — Senator MOORE. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Table of Contents, page 3, line 1, by striking out "Enforcement;" and inserting: Penalties; Civil Remedies;

Amend Table of Contents, page 3, line 2, by striking out "Enforcement of Chapter 2." and inserting: Penalties.

Amend Chapter Heading, page 19, line 20, by striking out "ENFORCEMENT:" and inserting: PENALTIES; CIVIL REMEDIES;

Amend Sec. 501, page 19, line 21, by striking out "Enforcement of Chapter 2." and inserting: Penalties.

Amend Sec. 501, page 19, lines 26 through 30; page 20, lines 1 through 30; page 21, lines 1 through 11, by striking out all of said lines and inserting:

(b) Within 60 days of receipt of the notice of violation, the municipality shall report to the department the action which it is taking to comply with the requirement or regulation.

(c) If within 180 days of receipt of the notice of violation, the municipality has failed to comply with such requirement or regulation, as determined by the department, the Secretary of Community Affairs shall notify the State Treasurer to withhold payment of all funds payable to the municipality from the General Fund or any other fund. Upon notification, the State Treasurer shall hold in escrow all moneys due to such municipality from the Commonwealth until such time as the department notifies the State Treasurer that the municipality has complied with such requirement or regulation.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

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

Amend Sec. 209, page 11, line 28, by removing the period after "DAMAGE" and inserting: : Provided, That fill may be used to elevate the expansion of existing industrial plants.

Amend Sec. 404, page 18, line 2, by inserting after "administrative": enforcement and implementation

Amend Sec. 404, page 18, line 19, by striking out "or revisions thereto" and inserting: , administrative, enforcement and implementation costs required by

this act, and revisions of official plans

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 KURY.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 191 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 292 (Pr. No. 1598) — 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—44

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

NAYS—1

Sweeney,

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

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

BILL REREFERRED

SB 456 (Pr. No. 466) — Upon motion of Senator MES-SINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 508, 510 and HB 642 — Without objection, the bills were passed over in their order at the request of Senator MES-SINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 677 (Pr. No. 719) — 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,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	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 present said bill to the House of Representatives for concurrence.

BILL ON THIRD CONSIDERATION AMENDED

SB 744 (Pr. No. 1620) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 12, page 10, lines 4 through 30; page 11, lines 1 and 2, by striking out all of said lines on said pages and inserting:

(b) Within 60 days of receipt of the notice of violation, the municipality shall report to the department the action which it is taking to comply with the requirement or regulation.

(c) If within 180 days of receipt of the notice of violation, the municipality has failed to comply with such requirement or regulation, as determined by the department, the Secretary of Community Affairs shall notify the State Treasurer to withhold payment of all funds payable to the municipality from the General Fund or any other fund. Upon notification, the State Treasurer shall hold in escrow all moneys due to such municipality from the Commonwealth until such time as the department notifies the State Treasurer that the municipality has complied with such requirement or regulation,

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 third consideration, as amended?

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

Amend Sec. 2, page 2, line 22, by striking out "and" where it appears the second time and inserting: the

Amend Sec. 8, page 8, line 11, by striking out "textural" and inserting: textual

Amend Sec. 14, page 12, line 6, by striking out "of" where it appears the last time and inserting: or

Amend Sec. 19, page 14, line 24, by striking out "effect" and inserting: affect

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 KURY.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 804 (Pr. No. 2635) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—45

Andrews,	Hess,	McKinney,	Ross,
Arlene,	Holl,	Mellow,	Scanlon,
Bell,	Hopper,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL REREFERRED

SB 809 (Pr. No. 868) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 858 (Pr. No. 2636) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—45

Andrews,	Hess,	McKinney,	Ross,
Arlene,	Holl,	Mellow,	Scanlon,
Bell,	Hopper,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,

Dougherty,	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 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 OVER IN ORDER

SB 882, 883, HB 959 and SB 995 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1104 (Pr. No. 1642) — 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 TILGHMAN. Mr. President, if I may, I would like to explain my reasons for voting in the negative on this piece of legislation. As is often the case, the concept is good, but I oppose the method in which it is being carried out. I would like, if I may, to state my reasons on the record.

On page 5 of this bill a political subdivision is described as, "Any county, city, borough, incorporated town or township." In other words, any municipality at any level of government within the Commonwealth of Pennsylvania.

We then turn to page 30 of this legislation wherein it states, "Each political subdivision shall: . . ." It then lists a great many things that the political subdivision shall do. It states each political subdivision. It does not say that they can coordinate their forces and do this together.

We are mandating what I believe to be extremely heavy costs on every political subdivision in the Commonwealth when it is not necessary. For instance, at the top of page 31, one of the mandated costs we are placing on all forms of local government is to, "Provide individual and organizational training programs to insure prompt, efficient and effective disaster emergency services." In the area which I represent there could be many townships and boroughs adjacent to each other that could cooperate and do this between two or three or four of them. However, we do not say that. Each individual political subdivision must do these expensive things.

Then we grandly say in the back of this legislation, after requiring many, many things, that the counties and the political subdivisions shall have the right to pay for it. Well, I would assume they would have to pay for it anyway because we are not appropriating any money for this.

We further go on to say that each county shall have a person designated as the director of all these plans. This director's name shall be sent by either the executive or governing body of the municipality to the Governor for his approval. There is not the right to advise and consent. I agree with that; I do not think there should be.

Relative to the City of Philadelphia, the Mayor of Philadelphia will send up the name of one individual to be the director of this effort within Philadelphia County. City Council will send up another name. It seems to me that where there is a strong mayor form of government, we should state that this shall be either the mayor or it shall be city council. It is not clear as to who should make this appointment. You will find that on page 29, lines 7, 8 and 9. It states, "The director shall be appointed by the Governor upon the recommendation of the executive officer or governing body . . ." They each could send up a name.

There are other costs that each political subdivision must bear. On the bottom of page 29, lines 28, 29 and 30, it states: "(1) Each appointed directors shall: (i) Attend and successfully complete a basic emergency preparedness seminar . . ."

On page 30 it goes on to say that he must attend four more schools set up by the State for two consecutive years.

Mr. President, the basis of my remarks is: In the District which I represent the local government has said to me time and again during the last two or three years, "Do not do us any more great favors. There are certain things which you must do up there, but if you are going to do them and you are going to tell every political subdivision in the State to do this, not just the counties—every borough, township, city and county—give us the money to do it and we will be happy to accommodate you." I think that is a responsibility which we bear.

For that reason, Mr. President, I will vote in the negative on this legislation.

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

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

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

Senator MELLOW. I will, Mr. President.

Senator BELL. Mr. President, I call the gentleman's attention to page 30, Section 7503 where it calls on every political subdivision to prepare plans, have an operation center and so on. I have some thirty or thirty-five communities in my District. For instance, I live in a borough of 4,000 people. Would the firehouse qualify as the operations center?

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

Senator BELL. Mr. President, in my District I have a small borough named Rose Valley which does not have a police force nor a firehouse. How would they qualify?

Senator MELLOW. Mr. President, the way things have happened, I was not going to become involved in the debate with the gentleman from Montgomery, Senator Tilghman, because most of the things pointed out by him are not accurate. However, I still will not become involved in his debate because we

have had public hearings. It has been discussed in the caucuses for several months now. This bill is now on its ninth day on the Calendar.

Mr. President, each municipality—and most of them have them today—appoints their own director of civil defense and if they do not have a municipal building in which that gentleman could operate, that particular gentleman, working in conjunction with the county in which they reside, would work out of his own residence.

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

I am not trying to "bate" or debate. I am trying to get legislative intent and this is the purpose of my questions to the gentleman from Lackawanna, Senator Mellow.

In other words, Mr. President, if the gentleman will further consent to be interrogated: In the western part of my District I have some rural townships. Would a firehouse which serves three or four of these townships qualify under legislative intent so that these little townships would not have to construct a building?

Senator MELLOW. Mr. President, the answer to that question is: The home of the gentleman who is designated by that municipality to be the director of civil defense or the director of the office of emergency preparedness or any available facility that they have would qualify.

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

In view of the gentleman's remarks concerning the fact, I believe in someone's District nearby, there is a township called Gold Mine which has seven people. This would not impose an undue burden on these little municipalities. I have a city in my District that has a civil defense director. I am not worried about that but I am worried about these smaller municipalities which qualify as municipalities.

It is now clear to me that they will not have to build a building. They can use a firehouse or the home of a responsible governmental official.

Senator MELLOW. Mr. President, I have just one word of clarification for the gentleman from Delaware, Senator Bell.

The reason for asking these political subdivisions to appoint a director of civil defense is so that they can work in cooperation with the county in which they reside; not merely set up their own plan but to work as a unit within that county.

And the question recurring,
Shall the bill pass finally?

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

Senator DUFFIELD. Mr. President, having missed the previous roll call, will you include me in this roll call?

The PRESIDING OFFICER. The gentleman will be so recorded. I assume, Senator, you wish to be recorded in the affirmative?

Senator DUFFIELD. That is correct, Mr. President.

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

YEAS—40

Andrews,	Gekas,	McKinney,	Romanelli,
Arlene,	Gurzenda,	Mellow,	Ross,

Bell,	Holl,	Messinger,	Scanlon,
Coppersmith,	Hopper,	Moore,	Schaefer,
Corman,	Jubelirer,	Murray,	Smith,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Lewis,	O'Pake,	Stout,
Early,	Lynch,	Orlando,	Sweeney,
Fleming,	Manbeck,	Reibman,	Zemprelli,

NAYS—6

Hager,	Howard,	Snyder,	Tilghman,
Hess,	Kusse,		

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

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

BILL OVER IN ORDER

HB 1106 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1239 (Pr. No. 1522) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 3, by inserting between lines 5 and 6:

Section 2. The retention election provisions relating to justices of the peace shall be applicable only to those justices of the peace who are duly elected after the effective date of this amendment.

Amend Sec. 2, page 3, line 6, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, the amendments say exactly as the Clerk read them, that the retention for justices of the peace or magistrates, as they are referred to now, shall take place after their next election; they shall run on retention after they are again elected by the public. Rather than give it to them, as at the present time, we wait until they are reelected and then give them retention.

Senator BELL. Mr. President, I oppose these amendments. These amendments result in a delaying tactic. I can see that a justice of the peace elected last year could not run for retention for ten years. I think we should submit this as a clean-cut case to the people and submit it in the form in which it was reported from committee.

Senator NOLAN. Mr. President, I believe these amendments are necessary. Back in Allegheny County we had quite a few indictments against the present magistrates. Many of them went to jail; many of them were found guilty and did not go to jail. In others, the cases were withdrawn "for the benefit of the public" or some other excuse.

Mr. President, I say the people should be given the opportunity, when they are voting on the ballot on a constitutional

change, to determine whether or not they want to give magistrates the right of retention and not those who are presently in office.

Senator BELL. Mr. President, I would suggest that the ones under indictment who go to jail will not have a chance for retention election. I do not like the district justice in my District being tarred with the tar brush from Allegheny County.

Senator NOLAN. Mr. President, I do not like the district magistrate in my District, period. I would like to get rid of him and we are going to get rid of him. But I do not want to give him retention at this time. He was one of the ones indicted and then the indictment was withdrawn "for the good of the public" or some other thing which has not been explained yet.

Senator EARLY. Mr. President, I believe the last statement of the gentleman from Allegheny, Senator Nolan, is the basic reason he is offering these amendments. I would appreciate it if the other Members would not vote in the affirmative with him because he has a vengeance against his particular magistrate. I would appreciate if the Members would vote with the idea this is for the whole State.

Senator HAGER. Mr. President, I do not have anything against my district justice but I can tell you this: The people of this State have had it with retention elections. They like to vote for the people who represent them or who administer the laws, whether it is justices of the peace or courts of record.

I would urge a "yes" vote on the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—17

Andrews,	Hopper,	Moore,	Ross,
Corman,	Howard,	Murray,	Schaefer,
Dougherty,	Kury,	Nolan,	Stauffer,
Hager,	Kusse,	Orlando,	Tilghman,
Hess,			

NAYS—29

Arlene,	Gurzenda,	McKinney,	Scanlon,
Bell,	Holl,	Mellow,	Smith,
Coppersmith,	Jubelirer,	Messinger,	Snyder,
Duffield,	Kelley,	Noszka,	Stapleton,
Dwyer,	Lewis,	O'Pake,	Stout,
Early,	Lynch,	Reibman,	Sweeney,
Fleming,	Manbeck,	Romanelli,	Zemprelli,
Gekas,			

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

And the question recurring,

Shall the bill pass finally?

Senator MESSINGER. Mr. President, I am not speaking as Majority Leader now. If the gentleman from Delaware, Senator Bell, wishes to have that information, I am speaking my own personal philosophy.

The argument has been advanced that since we have retention election for judges we should also have it for justices of the

peace. I am opposed to this bill and this constitutional amendment. I am also opposed, and always have been opposed, to a retention election just as I have been with that of judges and just as I have been with cross filing.

Mr. President, those are my own personal opinions. They do not represent the caucus.

Senator DUFFIELD. Mr. President, I also am opposed to retention of anybody except myself. However, in this particular situation, we have a case in the State today where the sitting magistrates are not permitted to engage in political activity in any way. They cannot contribute to campaigns, they cannot work the polls, they cannot do anything except run for office when they run. This makes them more or less second class citizens, because some opponent in their district can campaign for six years and then run for that position. They can go to all the parties and political shindigs they have and become very popular while the sitting magistrates must refrain from all of these political activities and devoid themselves of any association with anything that smells of that nefarious substance called "politics."

Mr. President, in order to be just and fair to those magistrates who are so restricted in every other activity as far as political endeavors are concerned, I am going to vote for retention, because if they are required to comply with the stringent requirements of the Supreme Court in regard to entering into politics, they should also be given the same protection as the Common Pleas and Appellate judges who have that protection.

In other words, the magistrates are handcuffed in every way in their political activity and this is a detriment to them. Unless you are going to release these rules of the Supreme Court that so seriously restrict them, I think they deserve to be retained.

Senator BELL. Mr. President, very briefly, I support the gentleman from Fayette, Senator Duffield. I think it is outrageous that the Supreme Court has taken upon itself through passage of rules regulating whether or not a district justice or any of their employees can participate in politics. Until the Supreme Court changes its rules—remember we cannot tell the Supreme Court what they can do—but until they do change—a district justice should be permitted a retention election.

May I suggest to those within the sound of my voice—I know this is not germane—maybe it is time that we pass another constitutional amendment to recall judges.

Senator HAGER. Mr. President, just briefly, because it may seem inconsistent—I am against retention elections for judges and for justices of the peace. However, it seems to me what is sauce for the goose is sauce for the gander and until we decide to wipe out retention elections for the judges, I am afraid I am going to have to end up voting for a position that I do not support. I will vote in favor of this bill for retention of justices of the peace, particularly since they are denied the right of political contribution and political involvement.

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—35

Arlene,	Gekas,	Lewis,	Romanelli,
Bell,	Gurzenda,	Lynch,	Scanlon,
Coppersmith,	Hager,	Manbeck,	Schaefer,
Corman,	Hess,	McKinney,	Smith,
Dougherty,	Holl,	Murray,	Snyder,
Duffield,	Hopper,	Noszka,	Stapleton,
Dwyer,	Howard,	O'Pake,	Sweeney,
Early,	Jubelirer,	Orlando,	Zemprelli,
Fleming,	Kelley,	Reibman,	

NAYS—10

Andrews,	Mellow,	Nolan,	Stauffer,
Kury,	Messinger,	Ross,	Tilghman,
Kusse,	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.

HB 1878 (Pr. No. 2301) — 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—46

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

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.

GUESTS OF SENATOR EDWARD P. ZEMPRELLI PRESENTED TO SENATE

The PRESIDING OFFICER. The Chair would like to take this opportunity to introduce certain persons in the gallery. It was the Chair's intention to ask the President pro tempore to recognize these gentlemen. They are partially here at the behest of the Chair in indicating to members of government in the Forty-fifth Senatorial District they should be acquainted on a privy basis with the operations of the Senate. We are privileged to have today the President of the Board of Borough Commissioners of the Borough of Jefferson, Allegheny County, Mr.

James McFarland and his entourage. Jim, would you stand up and the Senate will give you its usual warm welcome.
(Applause.)

PERMISSION TO ADDRESS SENATE

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

Senator GURZENDA. Mr. President, as a result of a malfunction or a nonfunction of my PA system I was not on the floor earlier during the Session.

I wish to advise the Chair that had I been here, I would have voted for Senate Resolutions, Serial Nos. 52 and 63 and also for the first, second and third amendments that were presented to Senate Resolution, Serial No. 68.

The PRESIDING OFFICER. The gentleman's remarks will be noted on the record.

PERMISSION TO ADDRESS SENATE

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

Senator DUFFIELD. Mr. President, as a result of trying to keep within the functioning limits of radar on the Pennsylvania Turnpike, I was also unable to be here and I would have voted as the gentleman from Dauphin, Senator Gekas, voted.

The PRESIDING OFFICER. The gentleman's remarks will also be noted on the record.

PERMISSION TO ADDRESS SENATE

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

Senator KELLEY. Mr. President, I likewise was unavoidably detained and had I been present, I would have likewise voted in the affirmative on those two matters.

The PRESIDING OFFICER. The gentleman's remarks will be recorded.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 209 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

HB 235 (Pr. No. 255), SB 1214 (Pr. No. 1481) and SB 1268 (Pr. No. 1641) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1312 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 1633 (Pr. No. 2193) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

PERMISSION TO ADDRESS SENATE

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

Senator NOLAN. Mr. President, I offer six resolutions concerning the subject matter which was voted down here today in the Senate and ask that they be referred to the Committee on Rules and Executive Nominations.

UNFINISHED BUSINESS

SENATE RESOLUTIONS

AMENDING SENATE RULE 16, SECTION 5

Senators NOLAN and SMITH offered the following resolution (Serial No. 81), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

RESOLVED, That Senate Rule XVI, section 5 be amended to read:

XVI COMMITTEES

* * *

Powers and Responsibilities

5. Permanent standing committees are authorized:

(a) to maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as the standing committee or select subcommittee shall designate, concerning the operation of any Commonwealth agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area. The standing committee or subcommittee is authorized to require public officials and employes and private individuals to appear before the standing committee or subcommittee for the purpose of submitting information to it;

(b) in order to carry out its duties, each standing committee or subcommittee upon written approval of the Chairman is empowered with the right and authority to inspect and investigate the books, records, papers, documents, date, operation, and physical plant of any public agency in this Commonwealth;

(c) in order to carry out its duties, each standing committee or subcommittee upon written approval of the Chairman may issue subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence desired by such committee. The Chairman may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may desire evidence; and be it further

RESOLVED, That Senate Rule XVI be amended by adding a section to read:

5.1 (a) All legislative committee or subcommittee records, files and other documents relating to any investigation conducted with committee personnel or funds shall be open to and made available upon written request to all Senators. However, all matters which affect allegations of criminality or which would tend to defame shall be treated as confidential by the requesting party.

(b) No Chairman, Vice-Chairman or Designee thereof or

member of a legislative committee or subcommittee may incur expenses for investigative purposes without the consent of the committee; and be it further

ADDING SENATE RULE 38, DISTRICT OFFICE RENTAL

Senators NOLAN and SMITH offered the following resolution (Serial No. 82), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

Resolved, That the Rules of the Senate be amended by adding a rule to read:

RULE XXXVIII

DISTRICT OFFICE RENTAL

1. No Senate expense voucher shall be honored nor shall expenses for office rental, office maintenance, office renovation, or rental of office equipment be reimbursable if the operation of legislative business is conducted in or commingled with the operation of any office used for separate commercial purposes, including but not limited to, law offices, corporate offices and business offices operated for profit.

2. No Senate expense voucher for office rental, office maintenance or office renovation shall be honored or be reimbursable if a Senator, a spouse or child, or any entity of which the Senator is an officer, director, trustee, partner, or employee possess any ownership interest in the real property in which the Senator's district office is located.

AMENDING SENATE RULE 36

Senators NOLAN and SMITH offered the following resolution (Serial No. 83), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

RESOLVED, That Senate Rule XXXVI be amended by adding a section to read:

XXXVI SENATE EXPENDITURES

4. All records of all expenses, expenditures, disbursements, and payments for all appropriations to the Senate or any of its offices or officers shall be transferred or filed with the Chief Clerk of the Senate which office shall act as a central records office for facilitating public inspection of said records.

AMENDING SENATE RULE 37

Senators NOLAN and SMITH offered the following resolution (Serial No. 84), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

Amend Rule 37, by inserting between sections 9. and 10.:

9.1. No Senator shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

9.2. No Senator shall improperly disclose confidential information acquired by him solely in the course of his official duties nor use such information to further his personal interests.

9.3. No Senator shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others but this subsection shall not be deemed to prohibit such member from servicing the reasonable request of constituents or making inquiries to Commonwealth agencies for information.

9.4. No Senator shall knowingly solicit, accept, or receive any gift or compensation, other than that provided by law, which is intended to influence the performance of his official duties or which would influence the performance of his official duties nor shall any Senator solicit, accept, or receive any such gift or compensation for advocating the passage or defeat of any legislation or for doing any act intended to influence the passage or defeat of legislation.

9.5. No Senator shall receive compensation or anything of economic value for any consultation, the subject matter of which is devoted substantially to the responsibilities, programs, or operation of the General Assembly, or draws substantially upon official data or ideas which have not become part of the body of public information.

9.6. No Senator shall participate as a principal in negotiating any transaction involving the Commonwealth or any Commonwealth agency in which he, his spouse or child, or any person of which he is an officer, director, trustee, partner or employee has a substantial personal economic interest as distinguished from that of a general class or general group of persons of which he may be a member.

9.7. No Senator, nor any firm, partnership or association of which a Senator is a partner, associate or employee, shall receive any compensation or enter into any agreement with any person for compensation for services rendered or to be rendered, for representing, appearing for, or interceding in behalf of such person in any transaction involving the Commonwealth or any of its agencies or the Governor, Lieutenant Governor, Auditor General or Treasurer except as follows:

- (1) The proceeding is before any court.
- (2) The proceeding involves only the uncontested and routine action of administrative officers or employees of the Commonwealth in issuing or renewing a license, charter certificate or similar document.
- (3) The proceeding involves only the preparation, filing and routine review of tax returns and supporting documents required by law.
- (4) The proceeding involves only the preparation, filing and routine review of engineering and architectural plans, drawings, specifications and reports.

9.8. No Senator shall receive any compensation or gifts for obtaining publications, documents, certificates, or licenses for others, except that members may be reimbursed for the actual cost of such publications, documents, certificates or licenses.

9.9. Subsections 9.4, 9.5 and 9.6 shall not apply to:

(1) Receipt of bona fide reimbursement, from constituents or others for actual expenses for travel and such other necessary subsistence in order to perform legislative services for which no Commonwealth payment or reimbursement is made.

(2) Participation in the affairs of charitable, religious, non-profit educational, public service or civic organizations, or the activities of national or State political parties not proscribed by law.

(3) Awards for meritorious public contribution given by public service or civic organizations.

(4) Any compensation received as a result of a successful competitive bid where more than two bids were received, or by reason of emergency circumstances, where bidding is not required, providing in cases of emergency circumstances the Senator did not participate in negotiations leading to procurement of the contract.

(5) Campaign contributions for use in meeting campaign expenses by any official who seeks public office.

Amend Rule 37, by inserting between sections 10. and 11.:

10.1. Every Senator shall, within the first one hundred twenty calendar days after the commencement of the General Assembly, file with the appropriate person a written statement of:

(a) Every investment which the Senator holds on the date of filing in any business corporation or other business entity legally qualified to do business in the Commonwealth valued in excess of five thousand dollars (\$5,000) or five per cent of the total capital of the entity, but it shall be sufficient to identify the specific industry and no firm or organization need be named nor dollar amounts or percentages stated. For purposes of this clause, the term value shall mean purchase price or market value (if available) whichever is higher.

(b) The offices and directorships held on the date of filing in any firm, corporation or other business entity legally qualified to do business in the Commonwealth, but it shall be sufficient to identify the entity, and no dollar amounts need be stated.

(c) Any investments exceeding five thousand dollars (\$5,000) or five per cent of the total capital of the business which the Senator holds on the date of filing or acquires in any corporation or other business entity which is licensed or subject to the rate-making or other similar nonministerial process of the following agencies of the Commonwealth: (i) the Liquor Control Board, (ii) the Public Utility Commission, (iii) the Milk Marketing Board, (iv) the Department of Insurance, (v) the Department of Banking, (vi) the Harness or Horse Racing Commissions: Provided, That it shall be sufficient to identify the entity, and no amounts need be disclosed.

(d) Any investment in any corporation or other business entity contracting with the State in excess of five thousand dollars (\$5,000) per year, if the Senator holds on the date of filing an interest which exceeds ten per cent of the total capital of the entity: Provided, That it shall be sufficient to identify the entity and no amounts need be disclosed.

Clauses (a), (b), (c) and (d) shall not be interpreted or construed to include any money or credits deposited or held as a

trustee by the Senator in banks, savings and loan association, credit unions, mutual funds, brokerage accounts, escrow funds or equities in insurance policies, retirement funds, annuities, governmental or municipal bonds and notes or other fund interest bonds.

10.2. As long as a Senator retains his office or employment he shall, within the first one hundred twenty days after the commencement of each session of the General Assembly, file an amended statement with the appropriate officer or notify such appropriate officer in writing that no change of condition has occurred that would require an amended statement.

10.3. All new Senators shall within one hundred twenty days after attaining such status file an economic interest statement with the appropriate office.

AMENDING SENATE RULE 37

Senators NOLAN and SMITH offered the following resolution (Serial No. 85), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

RESOLVED, That the Rules of the Senate be amended by adding a rule to read:

RULE XXXVII EXPENSE AND EMPLOYMENT DISCLOSURE

1. No Senator shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

2. No Senator shall improperly disclose confidential information acquired by him solely in the course of his official duties nor use such information to further his personal interests.

3. No Senator shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others but this section shall not be deemed to prohibit such member from servicing the reasonable request of constituents or making inquiries to Commonwealth agencies for information.

4. No Senator shall knowingly solicit, accept, or receive any gift or compensation, other than that provided by law, which is intended to influence the performance of his official duties or which would influence the performance of his official duties nor shall any Senator solicit, accept, or receive any such gift or compensation for advocating the passage or defeat of any legislation or for doing any act intended to influence the passage or defeat of legislation.

5. No Senator shall receive compensation or anything of economic value for any consultation, the subject matter of which is devoted substantially to the responsibilities, programs, or operation of the General Assembly, or draws substantially upon official data or ideas which have not become part of the body of public information.

6. No Senator shall participate as a principal in negotiating any transaction involving the Commonwealth or any Commonwealth agency in which he, his spouse or child, or any per-

son of which he is an officer, director, trustee, partner or employee has a substantial personal economic interest as distinguished from that of a general class or general group of persons of which he may be a member.

7. No Senator shall receive any compensation from any person for compensation for services rendered or to be rendered, for representing, appearing for, or interceding in behalf of such person in any transaction involving the Commonwealth or any of its agencies or the Governor, Lieutenant Governor, Auditor General or Treasurer unless he files with the appropriate officer a written statement disclosing:

(a) The name of the Senator.

(b) The name and business of the client.

(c) The amount of the fee or compensation received.

(d) A brief description of the transaction.

8. No Senator shall receive any compensation or gifts for obtaining publications, documents, certificates, or licenses for others, except that members may be reimbursed for the actual cost of such publications, documents, certificates or licenses.

9. Sections 4, 5 and 6 shall not apply to:

(a) Receipt of bona fide reimbursement, from constituents or others for actual expenses for travel and such other necessary subsistence in order to perform legislative services for which no Commonwealth payment or reimbursement is made.

(b) Participation in the affairs of charitable, religious, non-profit educational, public service or civic organizations, or the activities of national or State political parties not proscribed by law.

(c) Awards for meritorious public contribution given by public service or civic organizations.

(d) Any compensation received as a result of a successful competitive bid where more than two bids were received, or by reason of emergency circumstances, where bidding is not required, providing in cases of emergency circumstances the Senator did not participate in negotiations leading to procurement of the contract.

(e) Campaign contributions for use in meeting campaign expenses by any official who seeks public office.

10. Every Senator shall, within the first one hundred twenty calendar days after the commencement of the General Assembly, file with the appropriate person a written statement of:

(a) Every investment which the Senator holds on the date of filing in any business corporation or other business entity legally qualified to do business in the Commonwealth valued in excess of five thousand dollars (\$5,000) or five per cent of the total capital of the entity, but it shall be sufficient to identify the specific industry and no firm or organization need be named nor dollar amounts or percentages stated. For purposes of this clause, the term value shall mean purchase price or market value (if available) whichever is higher.

(b) The offices and directorships held on the date of filing in any firm, corporation or other business entity legally qualified to do business in the Commonwealth, but it shall be sufficient to identify the entity, and no dollar amounts need be stated.

(c) Any investments exceeding five thousand dollars (\$5,000)

or five per cent of the total capital of the business which the Senator holds on the date of filing or acquires in any corporation or other business entity which is licensed or subject to the rate-making or other similar nonministerial process of the following agencies of the Commonwealth: (i) the Liquor Control Board, (ii) the Public Utility Commission, (iii) the Milk Marketing Board, (iv) the Department of Insurance, (v) the Department of Banking, (vi) the Harness or Horse Racing Commissions: Provided, That it shall be sufficient to identify the entity, and no amounts need be disclosed.

(d) Any investment in any corporation or other business entity contracting with the State in excess of five thousand dollars (\$5,000) per year, if the Senator holds on the date of filing an interest which exceeds ten per cent of the total capital of the entity: Provided, That it shall be sufficient to identify the entity and no amounts need be disclosed.

Clauses (a), (b), (c) and (d) shall not be interpreted or construed to include any money or credits deposited or held as a trustee by the Senator in banks, savings and loan association, credit unions, mutual funds, brokerage accounts, escrow funds or equities in insurance policies, retirement funds, annuities, governmental or municipal bonds and notes or other fund interest bonds.

11. As long as a Senator retains his office or employment he shall, within the first one hundred twenty days after the commencement of each session of the General Assembly, file an amended statement with the appropriate officer or notify such appropriate officer in writing that no change of condition has occurred that would require an amended statement.

12. All new Senators shall within one hundred twenty days after attaining such status file an economic interest statement with the appropriate office.

ADDING SENATE RULE 38

Senators NOLAN and SMITH offered the following resolution (Serial No. 86), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

RESOLVED, That the Rules of the Senate of Pennsylvania be amended by adding a rule to read:

RULE XXXVIII

PROHIBITION AGAINST CERTAIN REPRESENTATION

No Senator or Senate employee, nor any firm, partnership or association of which a Senator or Senate employee is a partner, associate or employee, shall receive any compensation or enter into any agreement with any person for compensation for services rendered or to be rendered, for representing, appearing for, or interceding in behalf of such person in any transaction involving the Commonwealth or any of its agencies or the Governor, Lieutenant Governor, Auditor General or Treasurer except as follows:

- (1) The proceeding is before any court.
- (2) The proceeding involves only the uncontested and routine

action of administrative officers or employees of the Commonwealth in issuing or renewing a license, charter certificate or similar document.

(3) The proceeding involves only the preparation, filing and routine review of tax returns and supporting documents required by law.

(4) The proceeding involves only the preparation, filing and routine review of engineering and architectural plans, drawing, specifications and reports.

SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE TO INVESTIGATE UPSAL DAY SCHOOL OF THE CENTER FOR THE BLIND IN PHILADELPHIA

Senators DOUGHERTY, COPPERSMITH and MURRAY offered the following resolution (Serial No. 87), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, March 6, 1978.

WHEREAS, The Center for the Blind in Philadelphia is a large multi-service agency organized in 1874 to serve blind persons; and

WHEREAS, The Center of the Blind is a recipient of funds from the Commonwealth of Pennsylvania; and

WHEREAS, A major department of the Center for the Blind is the Upsal Day School for multi-handicapped blind children; and

WHEREAS, Members of the faculty of Upsal and members of the Parent Teachers Association there have virtually closed the school because of conditions of filth aggravated by the presence of rodents, insects and other vermin; and

WHEREAS, Reports are made of other conditions including unsafe school buses without heat and without proper brakes; and

WHEREAS, Parents report gastric upsets and distress among their children because of unsanitary conditions in the kitchen of the Center for the Blind; and

WHEREAS, Both faculty members and parents report many instances of alleged misuse of State funds; and

WHEREAS, Other reports of financial irregularities have been received in other departments of Center for the Blind; therefore be it

RESOLVED, That the Committee on Public Health and Welfare of the Senate be directed to investigate Upsal Day School of the Center for the Blind in Philadelphia as regards the alleged unsafe and unsanitary conditions and the possible misuse of State funds; and be it further

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

RESOLVED, That the committee report its findings to the Senate as soon as possible.

SENATE COMMITTEE TO CONSIDER ALL PHASES AND QUESTIONS CONCERNING BROADCAST COVERAGE OF SESSIONS OF THE SENATE

Senator DOUGHERTY offered the following resolution

(Serial No. 88), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 6, 1978.

WHEREAS, Increased interest and awareness on the part of the public is vital and healthy for the legislative process; and

WHEREAS, There is interest in providing radio and television coverage of the activities of the Senate; and

WHEREAS, There are many philosophical, legal, practical, and technical questions which arise in consideration of broadcast coverage; therefore be it

RESOLVED, That a special committee be appointed consisting of five members of the Senate, three members of the Majority and two members of the Minority to be appointed by the President pro tempore of the Senate. The committee shall look into all the phases and questions concerning broadcast coverage of the sessions of the Senate. The committee shall be provided staff services from existing staffs of the Senate; and be it further

RESOLVED, That the committee hold hearings, take testimony, and make such investigation, as may be necessary; and be it further

RESOLVED, That the committee make a report of its findings together with such recommendations for broadcast coverage as determined to the Senate no later than September 1, 1978.

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 Mr. and Mrs. Elmer E. Shreck and to Mr. and Mrs. Irvin R. Persun by Senator Hager.

Congratulations of the Senate were extended to Mr. and Mrs. George B. Schneider, Mr. and Mrs. Joseph L. Boyland, Sr. and to Mr. and Mrs. R. Welsh Nickey by Senator Hess.

Congratulations of the Senate were extended to the Americus Club of Reading by Senator O'Pake.

PETITIONS AND REMONSTRANCES

Senator HOWARD. Mr. President, it was not very long ago that the Legislature in this State met only once every two years, and then briefly, and with people who only worked part time at it to run government here. In the last fifteen years we have seen government mushroom. During the last year of the Scranton Administration we had a budget which was under \$1 billion and now we are looking at a budget of almost \$6 billion.

Unfortunately the tools that the Legislature and government uses to administer itself—government has turned into big business—have not followed suit. I know it is dangerous to read intent into acts of the Legislature on the floor, but what I understand happened today and where I understand we are going on the basis of the commitment of the gentleman from Lehigh, Senator Messinger, is that we are finally going to tackle, in a constructive fashion, a problem which is long overdue for attention in this Body and that is, to determine exactly what constitutes a conflict of interest, to lay down a basic code of conduct on matters relating to the operation of government so that well intentioned people really have a basic creed they can go back to and determine what the rules of the ball game are.

Mr. President, it is too bad we have had to go through the last

year to get where we are, because I dare say if we had taken it upon ourselves to solve this problem seven or eight years ago, we would not be standing here with so much egg on our face as we are this year.

I congratulate the gentleman from Lehigh, Senator Messinger, and I would urge that he attempt to solicit the Members of the Senate for their views on the legislation that the Committee on Rules and Executive Nominations will be considering next week. Certainly most of us have views on that subject and I think, constructively, as many of those views should be discussed and hopefully incorporated into the final product as possible. No matter how he or the committee chooses to do it, I certainly would urge that the matter be brought to a completion next week so we can now get this matter behind us as it should have been seven years ago.

Senator SNYDER. Mr. President, it is with regret that I rise to find fault with what the Majority has planned with respect to appropriations hearings. The schedule is telescoped within a single week and two sets of hearings will be held simultaneously. This is a preposterous plan for several reasons.

In the first place, no one can be in the Majority and the Minority caucus rooms at the same time. This forces the Senators to make a choice.

The PRESIDING OFFICER. Will the gentleman yield?

POINT OF ORDER

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

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

Senator BELL. Mr. President, there is a staff member on the floor of the Senate which is in violation of the Rules of the Senate.

The PRESIDING OFFICER. The gentleman's point is made. The gentleman is off the floor.

Senator Snyder may proceed.

PETITIONS AND REMONSTRANCES (Continued)

Senator SNYDER. Mr. President, in my case I must choose on March 28th between the Department of Public Welfare hearing, to which the chairman has assigned me, and the Department of Agriculture which affects my home county more than any other.

The schedule in prior years allowed anyone, including the public, to listen to every department if he or she wished. In theory, it permitted a balancing of judgments and an overall conclusion as to what should be cut and what should be added in the budget.

Cynics may say that posing questions in budget hearings does not save many souls or save taxes either. We get polite and sophisticated replies, and that life will go on as before. Perhaps so. But I have been shocked at the failure of the Committee on Appropriations to dig into the root of a number of basic questions. If we fail to do so, it is our fault. At least let us have the opportunity.

Remember: This is the one time of the year when Legislators face the Executive Branch person to person, on issues crucial to

the department's own budget and with the enviable opportunity to explore general policy.

The British Parliament has a question hour at least weekly, I believe, when the members interrogate the Prime Minister or his cabinet on policy. We get only one such formal opportunity in twelve months, and now it is all to be done in five days, beginning Easter Monday. In other words, we will be spending \$5 billion or more and studying it at a rate of a billion dollars a day.

The hearings are so tightly spaced that one can hardly digest the wisdom of one until another has begun. For instance, we are to pass upon the Department of Education and all fourteen State colleges, which allocation totals over \$2 billion, on the morning of March 31.

It will be argued that a hearing on education is a charade because under the subsidy law we are going to give a stated sum to school districts no matter what is said at the hearings. Possibly. But do we not have a duty to ask some crucial questions in our statewide capacity?

Why are the standard achievement test scores declining while our school costs are rising?

What does the Secretary of Education suggest as the best means of reducing the vandalism which cost over \$8 million a year by the latest calculation?

Is it necessary to have 125 deans and vice presidents of the State colleges?

There has been a diminishing emphasis on these hearings in the last few years under Senator Cianfrani. Last year, and again this year, some State agencies were not held before Senators at all, the only inquiry was made by staff.

If we are to justify our existence as a bicameral Legislature, we had better expand our concern about how much money is spent, especially in periods when funds are scarce.

Mr. President, I strongly urge that the hearings be spaced over a longer calendar and that only one be held at a time.

Senator BELL. Mr. President, I will yield to the gentleman from Philadelphia, Senator Smith.

Senator SMITH. Mr. President, change comes slowly. I am sure the gentleman who just spoke sat with me in appropriations hearings year after year and the same questions were asked and the same answers were given. It came out to nothingness. I said change comes slowly, Mr. President, and it does.

What we are doing this year is a very simple matter. We are breaking the Committee on Appropriations into subcommittees. The chairman of a particular committee, such as the Committee on Public Health and Welfare, on the Majority side becomes the chairman of the subcommittee of the Committee on Appropriations. He has two other members, one a Democrat and one a Republican. That chairman has been put on notice should he need more time, he simply comes back to the Chairman of the Committee on Appropriations and asks for more time. That time will be granted.

Mr. President, the Committee on Appropriations now has four field auditors, three of whom are now in the field. We hope to have a fourth by March 15th. We have accommodated those Senators who submitted complaints about certain institutions and I do believe the former speaker was one of those who sub-

mitted a complaint. That complaint is being followed up and he will have the answers.

If we are going to have a Committee on Appropriations, it has to be one that has full knowledge and understanding and will do an in depth study of what the money is used for, for what purpose, so that we can intelligently adjudicate what is needed in the future.

I question, Mr. President, whether anything really worthwhile has ever come out of the hearings which I sat through and, quite frankly, was so bored in. I believe the last speaker offered the same questions year in and year out and some, shall I say, secretary or deputy secretary would give us the same retort. We would all shake our heads.

Yes, it is a change. It is a deviation from what we have done in the past, but it is a trial stage and when do we start anew? When we take the first step. What this Committee on Appropriations is doing today is simply taking the first step. We will follow; we are going to fumble; but when we are through, whether it is this year, for the operating budget of 1978-1979, or when we do the budget for 1979-1980, we will know exactly where the money is spent, how we can change, what programs are being misused, where we can best put our money to serve the people of Pennsylvania. If that is a criticism of progress, then criticize me for not being progressive.

Senator BELL. Mr. President, if the gentleman from Lancaster, Senator Snyder, wishes to answer, I will yield to him. Otherwise, I will speak on another subject.

Mr. President, I was intrigued by some of the debate today on the duty to disclose what one owns and what one earns when that person is a Senator. In the summer of 1976, I made a full disclosure and I believe that the disclosure which was filed here in the Senate of Pennsylvania was the first ever filed, according to the people in the office.

I would like to know how many have been filed since then.

You know there is nothing to stop the "X" number of people who voted "yes" on that to voluntarily disclose right now and I am sure they will find a place for it in the Chief Clerk's office. This also applies to disclosure of election expenses.

Again in 1976, I made a disclosure—one, two and, I think, three—in the General Election of moneys in, moneys out. I filed it with the Election Bureau of the County of Delaware and I was told it was the first one which had ever been filed. They did not know what to do with it, but I talked them into filing it.

I would suggest, Mr. President, when this bill or resolution or whatever it is on disclosure of financial holdings and financial earnings is put together, it should be foolproof, not disclosed sometime before 120 days after you are elected. That joker can disclose the day he takes office and he can serve for four more years and God knows what he has. I apologize for calling a Senator a joker, but what I really mean is, let us not have any more loopholes like this business of disclosing who are the employees of a committee and then you fire all of them the day before the disclosure is due.

Along the same line I would like to say this to the Majority Leader: There was introduced last week a bill to require Primary Election disclosure, General Election disclosure, I believe it is two times before a Primary Election, two times before a

General Election and an after election disclosure. It was co-sponsored by myself, three Democrats and another Republican Senator. I would suggest to the Majority Leader that that one be brought out on the floor so we can find out who is payrolling and who is bankrolling whom, because we have so many candidates in the spring Primary that the people, I believe, want to know who is putting the money behind them. It would be very interesting to know where the money came from.

Senator NOLAN. Mr. President, I came to this Senate almost eight years ago. I have had the privilege of sitting in on the Committee on Appropriations since Senator Donolow was the chairman. If there ever was a charade as has been mentioned on this floor today, I would say the so-called public hearings we hold for the various State departments before the Committee on Appropriations are just that.

We have eighteen members on that committee and any number of those Senators float in and out of those meetings. They do not attend those meetings. I stood here on the floor at one time when one of the Senators who had so much to say about the budget did not even attend the meetings. I was called down for it because I was speaking about a fellow Senator even though it was the truth.

I believe the gentleman from Philadelphia, Senator Smith, has taken a giant step with the setup which he has put into effect in appointing subcommittees. I do not see any reason why we should go on for two months having the department heads in here trying to justify their requests, condemning the Governor for cutting their requests and trying to justify why we should give back the cuts which the Governor has made in their presentation.

I made a suggestion, not only to the gentleman from Philadelphia, Senator Smith, but also to Senator Cianfrani, that when we receive the Governor's budget we, the Committee on Appropriations, should meet and take the knife to it and go to work on it. If the department heads had anything to say, they would get hold of us. We would not have to call them in to try to justify it. We call them public hearings, but in the eight years I have been sitting in on those appropriations hearings, there was only one person from the public who appeared to make any request before that committee.

I believe the auditors who have been appointed, as pointed out by the gentleman from Philadelphia, Senator Smith, have already begun to work. I am sure, come next year, we will be in the position that we would not even need the department heads in because we will know at that time whether the moneys which we appropriate for various programs are used for those programs or other programs which the department head feels are more important than those for which we appropriated the funds.

I know it was all over the radio, newspaper and TV during the past weekend that Dr. Goddard is crying crocodile tears again. He is telling the people it will affect the State parks and that sort of thing. When we did that in the past we would make a line item out of the subject to which he spoke and then he did not have that subject to take to the public anymore. He is not the only one; there are other department heads who, from time to time, use this tactic to try to bring public pressure upon the

Senators and the House Members to increase an appropriation that they cannot even spend in the General Appropriations bill.

Just today I heard the Department of Education is sitting on \$900,000 for a bill on that Calendar. We certainly did not appropriate that \$900,000 for that bill. I believe it is Senate Bill No. 1214 which addresses itself to disruptive students. However, it does tell me something: If the Department of Education can come over here and tell us they have \$900,000 set aside for this type of program, before the legislation has been passed, we are overappropriating to the Department of Education.

I am sure that with the new auditors who have been appointed, when they get into the meat of this thing, they will expose to the Members of this Senate some of the failings we have as Senators when we are appropriating moneys to various departments.

Mr. President, I would like to take this opportunity to congratulate the gentleman from Philadelphia, Senator Smith, on the steps he has taken. I think they will lead to a better budget process this year and in the coming years.

Senator SNYDER. Mr. President, the gentleman from Allegheny has stated, perhaps better than I could, a good reason why he and others ought to be at the hearing on education at least and ask whatever questions he has relating to the \$900,000.

I think it is our own fault if these hearings have become a formality. If asking the same questions and getting the same answers seems to be a pattern, then I think it is up to the members of the committee to change that pattern.

I believe it is something of a reflection on the process if we must come here to hear about the four auditors. I am glad to hear it but I would like to hear what they have to say before we have these hearings. If the gentleman is preparing to answer me, I would like him to tell me again what the gentleman from Philadelphia failed to tell me and that is, how I can be at two committee meetings at the same time. They are going to have hearings simultaneously. One is on agriculture, and while I have great respect for the Secretary of Agriculture, he is not above having to answer some questions too. I have 5,000 farms in my home county and several thousand in the other county I represent, and I think they deserve to be represented and have questions asked on their behalf at the agricultural hearing.

At the same time we have the hearing on welfare. Let me tell the gentleman, I think there have been some good results out of the hearings we have had in the past. I must admit that under the Madam Secretary we had in that department several years ago, we made a list of some forty questions leading to some forty promises she made to us and that only thirty-some of them were not complied with by the following year.

Here again, Mr. President, it is our fault as a Legislature. We get a great deal of criticism and I am frequently tempted to answer it because much of it is picky and could be replied to, but on this score I cannot give any excuse. If we do not have decent hearings and call the Executive Branch to account, then we are remiss in our duties.

The gentleman from Philadelphia said that change comes slowly. Well, there is one thing which has not changed and that is that our budget is bigger every year than it was before.

Again, if that should not be so, then it is our fault for not getting to the nuts and bolts of things, showing up at the hearing and asking the appropriate questions.

I am somewhat concerned that, while I think the assignment of three special members of the committee to each of the various subjects is not a bad idea, it is only a good idea if the rest of the committee shows up too, because three people sitting there asking questions is not going to have the massive effect that we ought to have on the executive departments if we expect them to keep house well. The reason it cannot be possible under this schedule is that the committee cannot help but be divided into two parts. Even if all the members of the committee come to the hearings, only half of them can go to one hearing and half to the other.

I believe this is strictly something the committee ought to meet on as a whole and discuss. While I am on that, let me say this: I do not remember that the Committee on Appropriations, under its present leadership or under the last leadership, had ever met as a unit to discuss general procedure and policy. There have been times—and my memory goes back as long as that of the Senator from Allegheny—when his former colleague, Senator Robert Fleming, was chairman of the committee; I remember that we did have a meeting, at the beginning of the Session, of the Committee on Appropriations in which he told of his plans and he asked for discussion and made no distinction as to Members of the Majority or Minority and we had a chance to put in what words we thought would be helpful.

Currently I have not had such an opportunity and I think that the gentleman who was a former Floor Leader here would serve a very good purpose if he approached the present Chairman of the Committee on Appropriations and tendered him some advice on this score.

Senator NOLAN. Mr. President, I would like to point out that Senator Fleming was not the Majority Leader when I came here. When I came here, that was the first time in years the Democrats had become the Majority Party in this Senate and I have very high respect for Senator Fleming.

If we are talking about past practices under certain leaders, when the Republicans were in charge, the gentleman from Lancaster, Senator Snyder, was chairman, it is my understanding, of the Committee on Health and Welfare. He has made many proposals since I have been here to change the Health and Welfare rules. They should have been changed when he was chairman instead of proposing them now.

Mr. President, as I pointed out, it is going to be eight years now that I have been a member of the Committee on Appropriations and, if my memory serves me right, I have not missed more than three of those meetings in all that time.

One other thing I would like to point out in answer to the gentleman from Lancaster, Senator Snyder: The gentleman from Philadelphia, Senator Smith, did send a notice around that if you have any questions, if any Senator has a question, they can put it in writing, submit it to the chairman or any member of the committee and he will get the answers to those questions.

No, Mr. President, the gentleman cannot be in two places at one time. The only one who can be in two places at one time is

God Almighty and he is not God.

Senator SNYDER. Mr. President, I would just like to add several footnotes. In the last statement the gentleman is correct. I would like to find some fault with the other statements. I said that Senator Robert Fleming was Chairman of the Committee on Appropriations and it was under his auspices that we had a general discussion of all members of the committee.

Number two, the gentleman made some reference to why I did not sponsor the reform bills for welfare while I was chairman of the committee; the answer is, he is not correct. I did sponsor six bills, all of which died, as I recall, in the Democrat House.

Mr. President, the gentleman must know too that the matter of welfare is a developing thing and to go back eight years and expect one to have foreseen then all the things that have become the matter with the system by now is an impossibility. We sought to correct such things as we could as they developed.

Senator NOLAN. Mr. President, in answer to my good friend from Lancaster, Senator Snyder, this is exactly what we are trying to do with the new setup of subcommittees, trying to develop and get away from the mistakes we have made in the eight years that I have been in this Senate.

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 PENNSYLVANIA GAME COMMISSION

March 16, 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 S. Biery, Sr., (District Eight), 835 Chew Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1985, and until his successor shall have been appointed and qualified, vice Edwin J. Brooks, Lansdale, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE INDUSTRIAL BOARD

March 6, 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 John A. Feigel (Labor Union), 228 Ella Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January 1979, and until his successor shall have been appointed and qualified, vice Henry Dropkin, Pittsburgh, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

March 6, 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 Joseph Oliverio, 1861 West Chestnut Street, Canton Township, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as District Justice of the Peace in and for the County of Washington, Class 3, District 09, to serve until the first Monday of January, 1980, vice Albert Ferralli, Washington, retired.

MILTON J. SHAPP.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 7, 1978

- | | |
|---|---------------------------------|
| 10:00 A.M. APPROPRIATIONS (a Special Meeting, re: Public School Employees' Retirement Fund and to consider Senate Bills No. 1145 and 1304) | Room 350 |
| 10:30 A.M. JUDICIARY (to consider Senate Bills No. 976, 1094, 1148, 1212, 1246, 1319, 1320 and 1323) | Senate Minority Caucus Room |
| 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. 392, 993, 1239 and 1939) | Senate Majority Caucus Room |
| 11:30 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 947, 1047; House Bills No. 488, 1131, 1350 and 1566) | Room 633 |
| 12:00 Noon RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 585, Senate Resolution No. 78 and certain Executive Nominations) | Rules Committee Conference Room |

WEDNESDAY, MARCH 8, 1978

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| 9:30 A.M. CONSUMER AFFAIRS (Public Hearing on the nomination of W. Wilson Goode as a member of the Public Utility Commission) | Senate Majority Caucus Room |
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| 11:00 A.M. Recessed meeting of the LABOR AND INDUSTRY Committee meeting (to consider Senate Bills No. 1022, 1174 and House Bill No. 711) | Senate Minority Caucus Room |
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THURSDAY, MARCH 9, 1978

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| 10:30 A.M. STATE GOVERNMENT (Public Hearing on Senate Bill No. 1262) | Senate Majority Caucus Room |
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MONDAY, MARCH 13, 1978

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| 11:30 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 1014 and 1020) | Senate Majority Caucus Room |
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TUESDAY, MARCH 14, 1978

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| 9:00 A.M. Special Senate Committee on Senate Resolution No. 19 (Public Hearing on the Audit Admission Policy, Programs and Financial Structure of Pennsylvania Medical Schools) | Senate Minority Caucus Room |
| 10:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 1294) | Senate Majority Caucus Room |
| 11:30 A.M. EDUCATION (to consider Senate Bills No. 473, 1292, 1293 and House Bill No. 76) | Room 188 |

WEDNESDAY, MARCH 15, 1978

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| 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 |

THURSDAY, MARCH 16, 1978

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| 9:30 A.M. Special Senate Committee to on Drug Law Enforcement | Senate Majority Caucus Room |
| 4:00 P.M. (Public Hearing on Act No. 63) | |

TUESDAY, MARCH 21, 1978

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| 9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 979) | Senate Majority Caucus Room |
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WEDNESDAY, MARCH 22, 1978

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| 9:30 A.M. LOCAL GOVERNMENT | George Washing- |
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to (Public Hearing on Senate ton Motor Lodge,
4:00 P.M. Bill No. 943) King of Prussia,
PA.

THURSDAY, MARCH 23, 1978

9:30 A.M. LOCAL GOVERNMENT Southampton
to (Public Hearing on Senate Free Library,
4:00 P.M. Bill No. 943) Southampton,
PA.

MONDAY, MARCH 27, 1978

1:30 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with De- Caucus Room
partment of Health)
3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Drug Council)

TUESDAY, MARCH 28, 1978

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Department of Public Welfare)
9:30 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Department of Agriculture)
11:30 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Milk Marketing Board)
1:00 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Department of Revenue)
3:00 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Department of Transportation)

WEDNESDAY, MARCH 29, 1978

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Department of Environmental Resources)
9:30 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Auditor General)
11:00 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
State Treasurer)
1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Department of Community Affairs)
1:30 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
State Police)
3:00 P.M. APPROPRIATIONS Senate Majority

(Budget Hearing with De- Caucus Room
partment of Commerce)
3:00 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
State Employees Retirement Board)

THURSDAY, MARCH 30, 1978

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Department of Justice)
9:30 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
School Employees' Retirement System)
11:00 A.M. APPROPRIATIONS Senate Minority
(Budget Hearing with De- Caucus Room
partment of Labor and Industry)
1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with Caucus Room
Temple University)
1:30 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Department of General Services)
2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with Lin- Caucus Room
coln University)
3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Governor's Office)
3:00 P.M. APPROPRIATIONS Senate Minority
(Budget Hearing with the Caucus Room
Board of Parole)

FRIDAY, MARCH 31, 1978

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
Department of Education - including State-owned Colleges)
1:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with the Caucus Room
University of Pittsburgh)
2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing with Caucus Room
Pennsylvania State University)

THURSDAY, APRIL 6, 1978

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

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, March 7, 1978, at 1:00 p.m.,

Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:32 p.m., Eastern Standard Time.