

Legislative Journal

TUESDAY, MARCH 7, 1978

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162nd of the General Assembly

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SENATE

TUESDAY, March 7, 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, You have plans for us and power to make them happen. In every age the light of Your truth makes every dark place bright and sets men free from foolishness to live in wisdom. In Your power and wisdom, endow the Commonwealth Legislators, executives and government workers with a knowledge of Your will for the world.

Let them remember that they serve a public trust beyond personal gain for glory. May they see that no civic entity lives for itself alone, but is responsible to You for good order, sound procedures and for the well-being of all Your children.

You are always forcing us to make decisions so that in choosing we will choose Your will. At each moment that we must decide what to do, guide us with Your word and spirit, prevent us from clinging to old strategies and show us new ways to follow and obey. Do not let us tear away from one another through division or hard argument, letting our concern for our own possession distort our concern for the unity of our State. Rather, may Your peace embrace our differences, preserving us in unity.

Out of each debate bring about a new desire for reconciliation so that putting aside all personal grievances, we may go about our important business with singleness of mind and certainty of mood. Give ear to our prayer and answer our petitions in wisdom and in care. Amen.

JOURNAL APPROVED

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

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

REPORTS FROM COMMITTEES

Senator MESSINGER, from the Committee on Rules and Executive Nominations, rereported, as committed, **SB 585**.

Senator SMITH, from the Committee on Appropriations, re-reported, as amended, **SB 1145**; reported, as committed, **SB 1304**.

RESOLUTION REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, **Serial No. 78**, entitled:

Amending Senate Rule 15 requiring the furnishing a copy of an amendment to each Senator before voting thereon.

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

BILLS INTRODUCED AND REFERRED

Senators SMITH and LEWIS presented to the Chair **SB 1326**, entitled:

An Act relating to compensation of municipal officers.

Which was committed to the Committee on Local Government.

Senators DOUGHERTY and SCHAEFER presented to the Chair **SB 1327**, entitled:

An Act amending the act of February 13, 1970 (P. L. 19, No. 10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," providing for the consent required to terminate pregnancy.

Which was committed to the Committee on Public Health and Welfare.

Senator DOUGHERTY presented to the Chair **SB 1328**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring certain moneys received by criminals as a result of the commission of crime to be paid to the Crime Victims' Compensation Board for distribution to the victims of such crimes.

Which was committed to the Committee on Judiciary.

Senators FLEMING, ORLANDO, COPPERSMITH and DOUGHERTY presented to the Chair **SB 1329**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), en-

titled "Tax Reform Code of 1971," further providing for exclusions from the sale and use tax.

Which was committed to the Committee on Finance.

Senators KUSSE, TILGHMAN and MANBECK presented to the Chair **SB 1330**, entitled:

An Act amending the act of July 7, 1977 (No. 7A), entitled "Motor License Fund Supplement to the General Appropriation Act of 1977," adding an additional appropriation for State highway maintenance.

Which was committed to the Committee on Appropriations.

Senator MOORE presented to the Chair **SB 1331**, entitled:

An Act amending the act of May 18, 1945 (P. L. 809, No. 323), entitled "An Act removing certain roads or sections of road from the State highway system; . . .," removing a route in Perry County.

Which was committed to the Committee on Transportation.

Senators TILGHMAN, STAUFFER and HAGER presented to the Chair **SB 1332**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for annual submission of the Governor's budget and financial plan to the General Assembly.

Which was committed to the Committee on Appropriations.

Senators MESSINGER, SCANLON, EARLY, SWEENEY, O'PAKE, REIBMAN, MOORE and MURRAY presented to the Chair **SB 1333**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for the control of donations and contributions to committees, imposing additional duties on candidates and treasurers, and increasing penalties.

Which was committed to the Committee on State Government.

Senators CORMAN, STAPLETON, JUBELIRER, HAGER and HOPPER presented to the Chair **SB 1334**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the removal of vehicles from certain property.

Which was committed to the Committee on Transportation.

Senator TILGHMAN presented to the Chair **SB 1335**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for requirements as to indebtedness.

Which was committed to the Committee on Constitutional Changes and Federal Relations.

PERMISSION TO ADDRESS SENATE

Senator O'PAKE asked and obtained unanimous consent to address the Senate.

Senator O'PAKE. Mr. President, on behalf of myself and twelve colleagues, I read in place and present to the Chair the

following resolution which requests a thorough study of the procedures and administration of the Supreme Court of Pennsylvania.

SENATE RESOLUTION

DIRECTING JOINT STATE GOVERNMENT COMMISSION TASK FORCE TO STUDY PROCEDURES AND ADMINISTRATION OF THE SUPREME COURT OF PENNSYLVANIA

Senators O'PAKE, MESSINGER, KELLEY, SWEENEY, LEWIS, FLEMING, HOWARD, HOLL, HAGER, MOORE, ZEMPRELLI, STAPLETON, MANBECK and SNYDER offered the following resolution (**Serial No. 89**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 7, 1978.

WHEREAS, The people of this Commonwealth ten years ago established a unified judicial system through the adoption of a revised Article V of the Pennsylvania Constitution, placing exclusive administrative powers over that unified judicial system in the hands of the Pennsylvania Supreme Court. Further, the General Assembly enacted appropriate implementing legislation and, as recently as 1976, enacted a comprehensive codification of all procedural and administrative matters relating to the judiciary; and

WHEREAS, There recently has been public expression of dissatisfaction with the administrative performance of the Supreme Court in carrying out the responsibilities granted to it by the Constitution; and

WHEREAS, The recent public criticism has questioned the delay of the court in resolving cases submitted to it for disposition and has suggested that the rule-making proceedings of the court should be more open to the public; and

WHEREAS, The recent public criticisms have focused in part on the duty of the General Assembly to execute continuing responsibilities relating to the financial overview of the unified judicial system and the financial accountability of the court for its expenditures and the auditing thereof; and

WHEREAS, The General Assembly desires to cooperate with the Supreme Court in further improving the administration of justice in the Commonwealth; therefore be it

RESOLVED, That the Joint State Government Commission be directed to appoint a task force which is hereby authorized and directed to conduct a thorough study of the procedures and administration of the Supreme Court of Pennsylvania as applied to the unified judicial system; and be it further

RESOLVED, That the Joint State Government Commission report its findings and recommendations together with appropriate legislation to carry out those recommendations to the General Assembly no later than November 1, 1978.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 3:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:00 p.m., Eastern Standard Time.

AFTER RECESS

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

CALENDAR

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

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

RECONSIDERATION OF SB 505

BILL ON THIRD CONSIDERATION AMENDED

SB 505 (Pr. No. 1625) — Senator ORLANDO. 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 ORLANDO, by unanimous consent, offered the following amendments:

Amend Sec. 3 (Sec. 7.1), page 4, line 4, by striking out "IT" and inserting: the State Tax Equalization Board

Amend Sec. 5, page 4, line 13, by striking out "1 and 3" and inserting: 2 and 4

Amend Sec. 5, page 4, line 14, by striking out "1978" and inserting: 1980

Amend Sec. 5, page 4, line 14, by striking out "section 2" and inserting: sections 1 and 3

Amend Sec. 5, page 4, line 15, by striking out "1979" and inserting: 1981

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 ORLANDO.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 191, 235 and SB 508 — Without objection, the bills were passed over in their order at the request of Senator MES-SINGER.

BILLS ON THIRD CONSIDERATION AMENDED

SB 510 (Pr. No. 1627) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 4, page 4, lines 29 and 30, by striking out "January 18, 1952 (P. L. 2094, No. 594)" and inserting: November 9, 1977 (No. 70)

Amend Sec. 4 (Sec. 302), page 5, lines 1 through 30; page 6, line 1, by striking out all of said lines and inserting:

Section 302. (a) Powers and Duties of the Board and the County Commissioners.—The [board] county commissioners shall have the power, and it shall be [its] their duty, to

(1) Appoint as hereinafter provided a chief county assessor and such assistant assessors, clerks and other employes as may be deemed necessary.

(2) Adopt rules and regulations not inconsistent with this act, which shall govern the chief assessor, his assistants and local elected assessors in the making of the assessment.

(3) Hear and determine appeals, as hereinafter provided, from the valuations fixed by the assessor, or revised by the board as the case may be.

(4) Establish, within the limits of this act, the form of the assessment roll and the order of listing of persons and property in such assessment roll and in the tax duplicates prepared from such roll.

(5) Prepare annually and submit to the county commissioners an estimate of the expense to be incurred incidental to the carrying out of the provisions of this act.

(6) Examine and revise the assessments and valuations as hereinafter provided.

(7) Establish a permanent system of records consisting of tax maps, property record cards and property owner's index, as hereinafter provided, and such additional maps, materials and manuals as it shall deem necessary.

(b) An appointed board as provided in section 301 shall be limited to:

(1) Hear and determine appeals from assessments made by the chief county assessor.

(2) Adopt rules of procedure with respect to the determination of appeals not inconsistent with this act.

Amend Sec. 6 (Sec. 401), page 7, line 15, by inserting brackets before and after "; Compensation"

Amend Sec. 7 (Sec. 402), page 7, line 26, by inserting brackets before and after "; Compensation"

Amend Sec. 18 (Sec. 602.4.), page 17, line 19 by striking out "board" and inserting: county commissioners

Amend Sec. 18 (Sec. 602.4.), page 17, line 20 by striking out "board" and inserting: county commissioners

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 ORLANDO.

HB 642 (Pr. No. 1150) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 905), page 3, line 30, by striking out the brackets before and after "whatever"

Amend Sec. 2 (Sec. 905), page 3, line 30, page 4, line 1, by striking out "whatsoever as a condition of their employment or continued employment"

On the question,

Will the Senate agree to the amendments?

Senator STAUFFER. Mr. President, before discussing the amendments, I do have copies if the pages would please distribute them to the Members.

Mr. President, House Bill No. 642 deals with the subject of civil service and the permission of civil service employees to engage in political activity. In its present form as it is before us,

this bill would provide that civil service employees may participate in political fund raising.

The amendments which I have offered would eliminate just that single provision permitting civil service employees to engage in soliciting or collecting money for political purposes.

I think, Mr. President, the possibilities which exist under the bill in its present form are extremely dangerous in that there are very sensitive positions which could put those who were being solicited in a very difficult position to reject the request for funds. I am thinking particularly of the type of position such as the building inspectors in the Department of Labor and Industry. These kinds of people could raise a great deal of political funds because of the fear which a person might feel whose building was being inspected by this person or was about to be inspected and he came along and asked for a political contribution.

I am thinking of the inspectors from the Department of Agriculture who inspect meat packing establishments and so forth. Imagine the fear that an entrepreneur might have if one of these inspectors came along and made a request for political contributions.

I think the possibilities of abuse as provided in the bill are much too grave for us to permit and I believe with the adoption of these amendments, we would eliminate a possibility which could have severe repercussions for the future but, at the same time, would not prohibit civil service employees from engaging in normal, acceptable political activity.

With that thought in mind, Mr. President, I ask for support and the approval of the amendments.

Senator MESSINGER. Mr. President, I would urge a "no" vote on these amendments. If you want to raise a condition where nobody is ever going to be able to commit a crime, or you think you can, this is a crime if they were to extort and they should be punished under the laws of extortion. I do not believe most of the so-called inspectors the gentleman was speaking of are going around trying to raise political funds by actually threatening people.

Senator STAUFFER. Mr. President, in response to the gentleman from Lehigh, Senator Messinger, I would point out that I am not talking about anyone who would be threatening or extorting or using any strong-arm tactics. I am thinking about the situation where just a straightforward, mild request, coming from someone who exercised a very sensitive control over that person's business would be sufficient to make that person contribute for the fear that there might be repercussions coming at a later date.

It is not a question of putting on pressure or strong-arming. It is the mere fact that the person who made the request was in a position where he could retaliate at a later time if that person did not accede to the request for the contribution. That is the kind of possible abuse which I think we can avoid with 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—26

Andrews,	Gekas,	Kusse,	Snyder,
Bell,	Hager,	Manbeck,	Stapleton,
Coppersmith,	Hess,	Moore,	Stauffer,
Corman,	Holl,	Reibman,	Stout,
Dougherty,	Hopper,	Ross,	Sweeney,
Dwyer,	Howard,	Schaefer,	Tilghman,
Fleming,	Jubelirer,		

NAYS—21

Arlene,	Kury,	Messinger,	Orlando,
Duffield,	Lewis,	Murray,	Romanelli,
Early,	Lynch,	Nolan,	Scanlon,
Gurzenda,	McKinney,	Noszka,	Smith,
Hankins,	Mellow,	O'Pake,	Zemprelli,
Kelley,			

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

The PRESIDENT pro tempore. House Bill No. 642 will go over, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 743 (Pr. No. 1655) — 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?

POINT OF INFORMATION

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

The PRESIDENT pro tempore. The gentleman from Dauphin, Senator Gekas, will state it.

Senator GEKAS. Mr. President, as far as the Chair knows, there are no amendments to be offered to this bill, is that correct?

The PRESIDENT pro tempore. As far as I know, Senator, there are no amendments to be offered.

Senator GEKAS. Then, Mr. President, I would like to speak on the bill if I may.

The PRESIDENT pro tempore. The Chair hears no objection and the gentleman may proceed.

Senator GEKAS. Mr. President, some of the objections many of us have had with respect to Senate Bill No. 743 have been successfully removed by the introduction of the amendments inserted by the gentleman from Perry, Senator Moore, yesterday; namely, the very oppressive penalty provisions which prevailed prior to those amendments.

One of the things that has changed my mind on this bill and partially compels me to vote "yes" now is the fact that more realistic compelling features exist in the bill now, rather than the penalty provisions as theretofore appeared. However, while I say the bill is now in better shape than before and while I will be casting my vote in favor of these bills, I do so with a great deal of reluctance when I think of the immense power we are going to be placing in the Departments of Environmental Resources and Community Affairs.

These immense powers, if the intent of the bill is going to be achieved, are going to be directed towards a consistent floodplain management and I understand that. However, this is a warning to us here in the Senate. We must begin to discipline ourselves to do follow-up work and observation once we grant these tremendous regulatory powers to State agencies.

We have not done so in the past. We have loaded the Department of Public Welfare, for instance, with all kinds of powers and then, after the regulations are issued which put some of those powers into effect, we cry to heaven that things are going wrong. I declare, for myself, when these bills pass, a kind of Watch on the Rhine or "Watch on the Susquehanna," if you please, where the agencies in this Capital that are bordered on that Susquehanna are going to have to be scrutinized, detail by detail, as they begin to implement the intent of this legislation. We must watch them as they begin to implement this legislation.

Senator SCHAEFER. Mr. President, the last time these bills were up for consideration by the Senate I voted against them. One of the concerns I had at the time was some of the cost which would be forced upon our local municipalities. Part of this cost was due to the fact that I had a fear that the passage of floodplain ordinances by a local municipality could be construed to result in a taking by means of the eminent domain powers in that municipality. The net result would be that these municipalities would incur a very significant amount of increased cost to them, perhaps unintended, but still a result of the implementation of floodplain ordinances.

Yesterday there was an amendment put into the bills, both bills, which read as follows, and I will just read the body of the amendment, "administrative, enforcement and implementation costs required by this, and revisions of official plans."

Concerning that amendment and its particular effect, I desire to interrogate the gentleman from Northumberland, Senator Kury.

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

Senator KURY. I will, Mr. President.

Senator SCHAEFER. Mr. President, was it the intention of the gentleman in putting in this particular amendment to deal with the possible problem of floodplain ordinance resulting in a taking by means of eminent domain powers?

Senator KURY. Yes, Mr. President. It is my belief that because of the case of Gable versus Thornbury Township, which is found in the Commonwealth Court Docket at 8 Pennsylvania Commonwealth 379 or 303 Atlantic 257, it clearly establishes that the law in Pennsylvania is that the exercise of zoning power for floodplain purposes is not an eminent domain taking. In the event that should later be overturned, the language which the gentleman referred to was included.

Senator SCHAEFER. Mr. President, was it the gentleman's intention to put this language in with a view toward the State reimbursing fifty per cent of the implementation and enforcement costs involved in floodplain ordinance?

Senator KURY. Yes, Mr. President, it was to broaden that language for that purpose.

Senator SCHAEFER. Then in the gentleman's opinion, Mr. President, it is the intention of this amendment that the State would, in fact, pay to the local municipalities the legal cost and compensation that would be a result of any condemnation if the courts of Pennsylvania determine that a floodplain ordinance is, in fact, the taking of property at a future date?

Senator KURY. Yes, Mr. President.

Senator TILGHMAN. Mr. President, I just received some telephone calls from environmental groups and I told them I was going to continue to vote in the negative on this legislation.

Mr. President, I objected to the punitive fines which were to be levied on municipalities and that has been taken out of the bill. In its place we have inserted, on page 21, language which states that if the municipality does not comply with the notice from the department within 180 days, all State funds will be withheld from the municipality. They will hold all payments of all funds payable to the municipality from the General Fund or any other fund, including the Motor License Fund.

Suppose a municipality is working on a large sewerage project ordered by the State—and I have one in my District. They get State funds for that. Suppose those funds are withheld; they could be subject to fines for not finishing the sewerage construction job but they cannot possibly finish it because all funds are withheld.

All funds are withheld for road modification, road resurfacing, potholes or anything else and it seems to me that 180 days, although I grant it is six months and sounds longer than that time, is not necessarily a long period of time and I object to withholding all funds from any State source whatsoever.

Senator EARLY. Mr. President, referring to the dialogue between the gentleman from Allegheny, Senator Schaefer, and the gentleman from Northumberland, Senator Kury, and the amendment which was put in yesterday, which indicates that the State would now be responsible for fifty per cent of the cost that is incurred by the local municipality, either through fees or condemnation, the fact that that amendment went in indicates that that possibility does exist.

Voting for this particular bill would mean if that should occur, your local municipalities would have to bear fifty per cent of the cost and that cost can be substantial. I know there are a lot of municipalities in my particular District which cannot afford a tremendously large cost because of condemnations which could arise, and the fact that the amendment was put in indicates that it could arise.

Mr. President, unless the State is willing to absorb 100 per cent of the cost and relieve the local municipality of any undue expense, I must vote in the negative.

Senator HOLL. Mr. President, this past week I did some research on the flood legislation before us and came up with some very interesting facts. I believe the record should show and the Members of the Senate should know that in 1975 claims paid, under the Federal insurance program, were \$21 million. Premiums received were \$3 million.

In 1977 \$32 million in claims were paid. Premiums received were \$10 million. The difference is picked up by the taxpayers.

Mr. President, with flood control legislation these claims will undoubtedly be reduced, and that is what we are looking for be-

cause the taxpayers pick up the burden of damage caused by flood, either by paying the difference between the payments on claims and premiums received or other costs.

On the radio today Commissioner Sheppard, the Insurance Commissioner, is appealing to people to renew their insurance policies under this program. He stated, as I recall, there are more than 7,000 policyholders who have not renewed their Federal insurance policies. He is saying that with the thaw in the spring and some possible rains, et cetera, there will be many and gigantic losses.

Mr. President, we found out some other interesting facts. The Federal Insurance Administration does not have the personnel to inspect over 300 communities in Pennsylvania which are in the flood program. There is no inspection. The participating communities are required to send an annual report to HUD but they do not do it, and if they do, it is very vague. So there again we are pointing up the need for some kind of regulation which will institute compliance.

The Federal Flood Insurance Administration has only ten inspectors for a five-state area.

With all of these facts, it would seem to me that we have no other way to go than to adopt this measure today.

And the question recurring,
Shall the bill pass finally?

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

YEAS—31

Arlene,	Holl,	Moore,	Scanlon,
Coppersmith,	Howard,	Murray,	Schaefer,
Dougherty,	Kury,	Nolan,	Smith,
Fleming,	Lewis,	Noszka,	Stapleton,
Gekas,	Lynch,	O'Pake,	Stauffer,
Guizenda,	McKinney,	Orlando,	Sweeney,
Hager,	Mellow,	Reibman,	Zemprelli,
Hankins,	Messinger,	Ross,	

NAYS—16

Andrews,	Dwyer,	Jubelirer,	Romanelli,
Bell,	Early,	Kelley,	Snyder,
Corman,	Hess,	Kusse,	Stout,
Duffield,	Hopper,	Manbeck,	Tilghman,

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. 1656) — Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator KURY, by unanimous consent, offered the following amendment:

Amend Sec. 4, page 4, line 11, by striking out "the shareholders,"

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

It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator KURY.

BILLS OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 959 (Pr. No. 2567) — 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—47

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

NAYS—0

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

Ordered, That the Clerk 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 ON THIRD CONSIDERATION AMENDED

SB 995 (Pr. No. 1602) — Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator ROSS, by unanimous consent, offered the following amendments:

Amend Title, page 2, lines 18 and 19, by striking out "AND ESTABLISHING A PROCEDURE FOR DETERMINING RATES" in line 18, all of line 19, and inserting: limiting the fuel cost adjustment for natural gas and providing a preference for residential customers of natural gas.

Amend Sec. 2, page 3, line 13, by striking out "A SECTION" and inserting: sections

Amend Sec. 2 (Sec. 307.1), page 3, line 14, by striking out "SPECIAL PURCHASES OF NATURAL GAS." and inserting: Limits on Fuel Cost Adjustment for Natural Gas.

Amend Sec. 2 (Sec. 307.1), page 3, lines 28 through 30; page 4, lines 1 through 17, by striking out all of said lines

Amend Sec. 2 (Sec. 307.1), page 4, lines 22 through 30; page 5, lines 1 through 16, by striking out all of said lines

Amend Sec. 2 (Sec. 307.1), page 5, line 17, by striking out "(C)" and inserting: (b)

Amend Sec. 2 (Sec. 307.1), page 5, lines 26 through 30; page 6, lines 1 through 17, by striking out all of said lines

Amend Sec. 2 (Sec. 307.1), page 6, line 18, by striking out "(E)" and inserting: Section 307.2. Preferences for Residential Customers of Natural Gas.—

Amend Sec. 2 (Sec. 307.1), page 6, lines 28 through 30; page 7, lines 1 through 4, by striking out all of said lines

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 NOLAN, by unanimous consent, offered the following amendments:

Amend Bill, page 7, by inserting between lines 4 and 5:

Section 3. The act is amended by adding a section to read:

Section 705.2. Restriction on Certain Telephone Utility Charges.—No telephone utility shall place any charge on any customer for information calls, regardless of the number of such calls in any given month.

Amend Sec. 3, page 7, line 5, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, my amendments will wipe out the permission which the PUC has granted to the Bell Telephone Company to place a cost on informational calls after the third call. We find today that new telephones are being installed every day. Once the directory is published, there is no way in the world to know who gets new telephones and what their numbers may be. When you want to learn a number and it is necessary to call information, they are now charging for that call after the third call, with no reduction in the phone bills to the general public.

Mr. President, I would ask for the adoption of these amendments.

Senator STAUFFER. Mr. President, I rise to oppose the amendments offered by the gentleman from Allegheny, Senator Nolan, because I think, in considering the amendments, we are superimposing our will on a decision which should be made by the Public Utility Commission and has been made by the Public Utility Commission.

The Legislature established the PUC to consider public utility rates and to determine what those rates should be and to make adjustments in them from time to time as their studies and their hearings show are proper. Recently the Bell Telephone Company applied to the Public Utility Commission for an increase in rates. As part of the rate increase approved by the Public Utility Commission, they agreed to the discontinuance

of the totally free information calls and set up the program which is presently in existence. That was part of the rate adjustment which was approved and if we, through legislation, override that decision, then the Bell Telephone Company is going to have to raise rates to pick up something like \$6 million which would be saved as a result of this change. We will be forcing an increase in the rates paid by those who make use of the Bell Telephone Company services. I do not believe that we should force a rate increase on our constituents when the matter has been handled by the Public Utility Commission and is a matter that is properly under their jurisdiction.

Therefore, Mr. President, I think the amendments should be defeated.

Senator NOLAN. Mr. President, I had a visit from a representative of the Bell Telephone Company in my office as did other Senators. This representative of the Bell Telephone Company failed to show me, or any of the other Senators, where this was going to reduce the telephone bills that are now being paid by the general public. The argument used by that representative was: In the future we will not have to ask for as large an increase as we would have if we did not have this service.

I might also point out to the gentleman from Chester, Senator Stauffer, that the PUC is a branch of this Legislature. We must confirm the members of that PUC, and we have a perfect right at any time to override any decision of the Public Utility Commission on the floor of this Senate. As long as we have that right, I say that these amendments are perfectly legitimate at this time and I ask support for them.

Senator BELL. Mr. President, I thoroughly agree with the gentleman from Allegheny that the Public Utility Commission is a creature of this Legislature. Although we, as individual Senators, may not be able to interfere in their quasi judicial conduct of setting rates, imposing regulations, but when we, as representatives of the people get a message from our respective districts, loud and clear, that our constituents are dissatisfied with certain things that the PUC does, we do have the power—in fact, we have the duty—to object.

Senator ANDREWS. Mr. President, I had not intended to speak on this bill, but I would like to explain to the Members of the Senate why I am going to oppose the amendments of my colleague from Allegheny, Senator Nolan.

I think it is clear that the people, the customers of Bell Telephone Company, are going to pay for directory assistance. The question is: Which customers are going to pay?

Under the system approved by the PUC, those who use this service are going to pay for it. Those who do not use the service are not going to have to pay for it. I feel that we, in government, should impose tariffs, taxes and so forth upon those who use the product for which these tariffs or taxes are levied to the extent that we are able to do so. It is very difficult to do so and we do not have that opportunity often.

However, I want the record to show that I am voting against these amendments because the people are going to pay this one way or the other. It is just a question of which people are going to pay. The only statistics I have seen show that a very small portion of the people use more than three calls to directory assistance in one month.

In effect, what we are doing by adopting these amendments is: We are raising everybody's phone bill to pay for the service utilized only by a very small percentage. I do not think this is fair to that large majority of customers who do not use that service and I would urge my colleagues to think of this in casting their votes.

Senator NOLAN. Mr. President, I am in area code 412 and I have one book available for my use. It is my understanding that there are some twenty-three books in area code 412. If every customer were to demand a complete listing of the phones in area code 412, it is also my understanding that we would have to pay for those extra books. No matter which way we turn, we are being hit with extra costs.

I might point out that every month when I receive my telephone bill, the first item on that bill is a cost for equipment. I have been paying for that same equipment in my Senatorial office for six and one-half years. I asked the representative of Bell Telephone, when will this equipment be paid for? It will never be paid for. As long as I am there I will have to pay that cost.

There is no way in the world they can convince me that at some point that cost should not stop. I think also if we refuse these amendments, we should then require that The Bell Telephone Company publish a supplement no less than every sixty days listing all the new telephones which have been installed and distribute those to the customers within every area of Bell Telephone Company. Then we would not have to use their service for information.

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—20

Arlene, Bell, Duffield, Early, Hankins,	Holl, Kelley, Kury, Lynch, McKinney,	Murray, Nolan, Noszka, Orlando, Romanelli,	Ross, Smith, Stapleton, Stout, Zemprelli,
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NAYS—27

Andrews, Coppersmith, Corman, Dougherty, Dwyer, Fleming, Gekas,	Gurzenda, Hager, Hess, Hopper, Howard, Jubelirer, Kusse,	Lewis, Manbeck, Mellow, Messinger, Moore, O'Pake, Reibman,	Scanlon, Schaefer, Snyder, Stauffer, Sweeney, Tilghman,
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So the question was determined in the negative, and the amendments were defeated.

The PRESIDENT pro tempore. Senate Bill No. 995 will go over, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1106 (Pr. No. 2632) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator COPPERSMITH. Mr. President, I move that House Bill No. 1106 revert to the form it was in under Printer's No. 2311.

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

Senator COPPERSMITH. Mr. President, the effect of this motion to revert to the prior printer's number would be to reduce the statute of limitations in this bill from six years to two years. This bill makes what is presently the two criminal cases of neglect to support a bastard and fornication and bastardy a civil procedure that will be handled by the civil side of the court. A conviction can be had by a preponderance of the evidence.

The bill specifically provides that the statute of limitations is tolled by any payment of support or a written acknowledgement of paternity. Thus, if a father lives in a house and gives food to the child or makes any contribution, the statute is tolled for two years beyond the action.

I feel that allowing a six-year period to elapse before a statute of limitations takes effect, during which there is no written acknowledgement or no support, will open up this type of action to all kinds of abuses. The possibility that innocent children may be unable to get support from the father I think is far outweighed by the possibility of extortion and other types of unfair action against possible fathers who would be hard put to defend themselves after a lapse of four or five years' time.

For this reason, Mr. President, I urge support of this motion to revert to the prior printer's number which I think is called for, particularly since we are changing the burden of proof which presently is beyond a reasonable doubt, that is a criminal case, to a preponderance of the evidence. It is easier to establish a court order with this procedure, but I think a shorter statute of limitations is required.

Senator SCHAEFER. Mr. President, I rise to oppose this motion to revert. In support of my opposition, I would like to bring to the attention of the Chamber the fact that the effect of this reversion would be to cut off the right of support for children after two years.

In my estimation, the only people who will be hurt by supporting this reversion are the children. Let me give you an example: Suppose we have a situation where a sixteen or seventeen-year-old girl gives birth to a child out of wedlock and the father is the same age. The possibility of support under those circumstances is not realistic at all. The kid is probably still in high school and, in fact, two years from that time he is probably just getting out of school. The father would not have the means to support the child until probably three, four, five or six years down the line. This is the kind of situation I am very concerned about.

Secondly, oftentimes kids at a young age do not even concern themselves with problems of support. They go along. When a kid becomes of age and his needs increase, this reversion would cut off that child's right of support.

Mr. President, I ask the Members to think very carefully be-

fore they support this reversion and I would request a "no" vote.

Senator JUBELIRER. Mr. President, I rise to support the gentleman from Cambria, Senator Coppersmith, in his motion to revert to the prior printer's number and to respond directly to the argument of the gentleman from Allegheny, Senator Schaefer.

I think the gentleman from Cambria, Senator Coppersmith, has set forth very well and properly that it is not the fact that the two-year statute of limitations eliminates any opportunity to get support. As to the situation mentioned by the gentleman from Allegheny, Senator Schaefer, the only thing that need be done is that the mother take some kind of positive action to either file the complaint or there be some acknowledgement and that immediately tolls the statute of limitations.

We do not have the situation of runaway fathers who might come back in four or five years and say, "Well, it is too late, the statute of limitations has run out," because in two years there is an opportunity to take some kind of positive action on the part of the mother. I do believe, in fact, there will be a better chance of securing such support. It will have more credibility if we leave the statute of limitations and revert to a two-year statute of limitations as has been the custom in the law over the past many years.

Before we changed the Crimes Code, I believe we had the crime of fornication and bastardy, which was a two-year statute of limitations. The crime of failure to support an illegitimate child had a one-year statute of limitations and, for the most part, prosecutors were well able to get convictions under those circumstances.

In the case of the Department of Public Health and Welfare, the department has always insisted that, when the mother came and said, "Well, I am going to have a child and the father has gone away," or has the child and the father has run away, the department has always insisted that some sort of positive action be taken, either in the form of a prosecution in the past, or, as we changed the law now, some kind of a civil action.

The fact is, merely because the statute of limitations is two years, if that period of time elapses, it does not mean that some action cannot be taken beforehand. Therefore, in a situation mentioned by the gentleman, any positive action can be taken in two years which will forever toll that statute of limitations and if that father cannot be found, if there is a change in circumstances, the action is alive and well.

With a six-year statute of limitations the potential for abuse is significant. With a six-year statute of limitations the potential for either a conviction in a criminal case or a judgment in a civil case is going to be rare because the credibility of a mother in those cases is going to be an issue. I believe if the mother waits four years, five years or six years to bring such an action, it is going to defeat the very purpose for which it was intended.

Senator SCHAEFER. Mr. President, the drift of my comments was basically aimed at the situation where support was not possible due to the fact that the father was not in an employable situation. He is in high school. That is the best example I can give you. To that extent I think the points of the gen-

tleman from Blair, Senator Jubelirer, missed my mark because there would be no obligation or support possible under the law in that situation.

Mr. President, it would be my opinion, and I reiterate it, that the only abuse we are creating by reverting back to two years is that upon our children—that is all we are aiming this at—we want to give them the right of support to make sure they have the type of life that their father is able to provide for them.

Senator NOLAN. Mr. President, I believe it was the week before last in this Chamber we distinguished ourselves by voting for the pro-life bills to protect the unborn child. Today we have the opportunity to protect the born child and I would request that we do not revert to the prior printer's number.

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

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

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

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

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

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

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

YEAS—23

Andrews,	Gekas,	Kelley,	Moore,
Bell,	Guزندا,	Kury,	Scanlon,
Coppersmith,	Hess,	Kusse,	Snyder,
Corman,	Holl,	Lewis,	Stauffer,
Early,	Hopper,	Manbeck,	Tilghman,
Fleming,	Jubelirer,	Messinger,	

NAYS—24

Arlene,	Howard,	Noszka,	Schaefer,
Dougherty,	Lynch,	O'Pake,	Smith,
Duffield,	McKinney,	Orlando,	Stapleton,
Dwyer,	Mellow,	Reibman,	Stout,
Hager,	Murray,	Romanelli,	Sweeney,
Hankins,	Nolan,	Ross,	Zemprelli,

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

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

It was agreed to.

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

On the question,
Shall the bill pass finally?

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,
Coppersmith,	Hopper,	Messinger,	Schaefer,
Corman,	Howard,	Moore,	Smith,
Dougherty,	Jubelirer,	Murray,	Snyder,
Duffield,	Kelley,	Nolan,	Stapleton,
Dwyer,	Kury,	Noszka,	Stauffer,
Early,	Kusse,	O'Pake,	Stout,
Fleming,	Lewis,	Orlando,	Sweeney,
Gurzenda,	Lynch,	Reibman,	Tilghman,
Hager,	Manbeck,	Romanelli,	Zemprelli,
Hankins,			

NAYS—2

Bell, Gekas,

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 1214 and 1268 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

HB 1633 — Without objection, the bill was passed over in its order at the request of Senator SMITH.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

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 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 BOARD OF TRUSTEES OF
EMBREEVILLE STATE HOSPITAL

February 28, 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 Mrs. Astrid O. Engelke, 5 Oak Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville State Hospital, to serve

until the third Tuesday of January 1979, and until her successor is appointed and qualified, vice David Potter, Kennett Square, resigned.

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.

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

February 27, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Wallace S. Hendricks, 1550 Franklin Street, Kulpville 19443, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1980, and until his successor is appointed and qualified, vice Louis A. Machalette, Oreland, resigned.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS

February 17, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as a member of the State Board of Examiners of Nursing Home Administrators:

Edward Brody (Profit — Homes), 4617 Pine Street, Apartment H210, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, to serve until November 19, 1980, and until his successor is appointed and qualified, vice Mrs. Jean R. Belfoff, Philadelphia, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS

February 24, 1978.

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

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

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF
OSTEOPATHIC EXAMINERS

January 30, 1978.

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

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

Earl Noble Wagner, D.O., 512 Moreland Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Dr. William Di-Santo, O.S., Norristown, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA BOARD OF
PSYCHOLOGIST EXAMINERS

February 27, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as a member of the Pennsylvania Board of Psychologist Examiners:

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

MILTON J. SHAPP.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATION LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the name of James S. Biery, Sr., as a member of the Pennsylvania Game Commission, be laid on the table.

The PRESIDENT pro tempore. This nomination will be laid on the table.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the balance of the nominations reported from committee today and previously read by the Clerk.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of

the Constitution and were as follows, viz:

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

HB 209 (Pr. No. 1296) and SB 1312 (Pr. No. 1638) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SENATE RESOLUTION, SERIAL NO. 70, CALLED UP

Senator MESSINGER, without objection, called up from page 5 of the Calendar, Senate Resolution, Serial No. 70, entitled:

Senate Committee to investigate the use of State-owned hospital facilities for medical and veterinary training using Norristown State Hospital as a pilot project.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 70, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 70.

The motion was agreed to and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION
NO. 154, CALLED UP

Senator MESSINGER, without objection, called up from page 6 of the Calendar, House Concurrent Resolution No. 154, entitled:

General Assembly create a Benjamin Franklin Symposium Committee.

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 154

Senator MESSINGER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 154.

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—46

Andrews,	Hager,	McKinney,	Ross,
Arlene,	Hankins,	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—1

Hess,

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

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

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator O'PAKE, from the Committee on Judiciary, reported, as committed, **SB 976** and **1323**; as amended, **SB 1212**, **1319** and **1320**.

Senator LEWIS, from the Committee on Local Government, rereported, as committed, **SB 947**; reported, as committed, **HB 1350** and **1566**.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Rev. Monsignor Theodore C. Wagner by Senator O'Pake.

Congratulations of the Senate were extended to Leonard G. Witt and to Alan Zavacky by Senator Messinger.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Savelli, Mr. and Mrs. Edward Waldinger, Mr. and Mrs. George Adams, Mr. and Mrs. John Renner, Mr. and Mrs. Louis Patronio, Mr. and Mrs. Walter Soliwoda, Miss Mabel C. Briggs and to Mrs. Evelyn Hamel by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. Walter A. Forr, Mr. and Mrs. Clarence Laird, Mr. and Mrs. Sidney W. Cashman, Mr. and Mrs. Paul Hazlett and to Mr. and Mrs. Ross Sheeder by Senator Jubelirer.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late William H. Huff, Jr. and to the family of the late Fred C. Counsel by Senator Jubelirer.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 976, **1212**, **1304**, **1319**, **1320**, **1323**, **HB 1350** and **1566**.

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

PETITIONS AND REMONSTRANCES

Senator ORLANDO. Mr. President, the legislation I have introduced today is, I feel, the best answer we in Pennsylvania can come up with to deal with the interstate smuggling of cigarettes. It is clear that Federal action is called for in this situation, but it is just as clear that little or no Federal action will be taken in the near future. Meanwhile, Pennsylvania taxpayers suffer to the tune of \$30 to \$35 million in lost tax revenues each year because of cigarette smuggling.

The legislation I have introduced does three things:

It increases license fees to cover administrative costs of policing the licenses and decreases the commission paid to cigarette stampers to bring Pennsylvania into line with neighboring states.

It changes corporate ownership in the manner in which cigarette wholesalers conduct their business to make enforcement of anticigarette smuggling laws easier and keeps undesirables out of the cigarette business.

It increases the fine in terms of imprisonment to provide penalties equal to violations of the law for cigarette smuggling.

This is the package I have introduced. It is designed to give Pennsylvania a fighting chance against cigarette smuggling. It is a growing business and a serious loss of tax revenue for Pennsylvania.

Senator TILGHMAN. Mr. President, yesterday I listened with interest to the discourse of the gentleman from Lancaster, Senator Snyder, on the method of holding appropriations hearings this year and the comments of the gentleman from Philadelphia, Senator Smith, on the same subject. I would, if I could, like to take just a moment of your time to tell you that I am upset in that this year we are holding the appropriations hearings by subcommittees of the Committee on Appropriations.

I have the computer printout of this year's General Appropriations bill in front of me and there are 586 line items in this printout. I do not think personalities enter into the difference of opinion I have. I have talked to the gentleman from Philadel-

phia, Senator Smith, and told him it is my opinion that we can best serve the people of the Commonwealth and best keep an eye on the various departments in State government by holding appropriations hearings in the Majority caucus room with all members of the Committee on Appropriations present and, indeed, I would change the formula to invite the Majority and Minority chairmen of the committees, with which department we are dealing, to participate as full fledged members of the Committee on Appropriations.

Those hearings become pretty boring and pretty hot; some of the same questions are asked year in and year out. I must say, as one who does not smoke, I get pretty fed up with those smoke filled rooms. However, I really believe that is the job we are here for.

There are probably fifty to sixty pieces of legislation introduced in this Session of the General Assembly to improve the method of handling the budget in Pennsylvania. I put in several pieces of legislation; the lady from Northampton, Senator Reibman, has put in several pieces of legislation. Indeed, both of us agree that there should be a Legislative Budget Office such as the Congress in Washington established, the Congressional Budget Office. That should work for the General Assembly and would give us a twelve-month, day-to-day input on the General Appropriations bill.

It has been stated this year that by having three Senators hold the hearings relative to a department, the chairmen of the various committees and the Republican Minority chairmen of the committees can get a more in depth feeling for the department which they are questioning. That simply is not so because the Department of Education and State-related universities will appear before three Senators who are well versed in the field but it is not the chairman of the committee. The lady from Northampton, Senator Reibman, is not in that group, nor is the gentleman from Crawford, Senator Dwyer, the Minority chairman.

Therefore, the one department which spends approximately fifty-five cents out of every dollar spent by the Commonwealth will not be questioned by the Majority or Minority chairman of the Committee on Education.

It is true that the gentleman from Cambria, Senator Copper-smith, will question the Department of Public Welfare and that is fine. However, I submit to you that this is getting to be a function that should be carried out by the various committees on a day-to-day basis. When I say, "getting to be a function," I am speaking of the day-to-day study of the budget. It is absolutely impossible for the General Assembly to vote correctly and intelligently on a department such as the Department of Education or Department of Public Welfare after a few hours of hearings. It should be done throughout the year and I hope that we will get to that.

As I stated in the beginning, I did speak with the Majority chairman of the Committee on Appropriations. I asked him if it would not be possible to go back to the previous system of holding the appropriations hearings with all members and invite the chairmen of the various committees. This, however, did not seem to fit in with his plans for this year, and I can understand that he may wish to take another approach. I just simply dis-

agree with him; I think it is a poor approach and, indeed, if I were a secretary of a department in Harrisburg who used to appear before those committees and knew that I was going to be questioned by ten, fifteen or twenty people, I might be quite overjoyed this year to realize that I will be questioned by only three people.

Senator MESSINGER. Mr. President, all members of the Committee on Appropriations are invited to attend the hearings and ask questions. Every Senator is invited to these appropriations hearings and anybody who has questions to ask may submit the questions to a member of the Committee on Appropriations and have their questions answered.

Senator TILGHMAN. Mr. President, I have no intention of getting into an argument. I understand this is a new approach, but it will simply be impossible for me—on Wednesday, March 29th, from 9:30 until 3:00 o'clock I am with two other Senators—to hear the Auditor General at 9:30 and also be at a Department of Environmental Resources hearing on the same day.

ANNOUNCEMENTS BY THE SECRETARY

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

**SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS**

WEDNESDAY, MARCH 8, 1978

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

MONDAY, MARCH 13, 1978

- 11:30 A.M. LOCAL GOVERNMENT (to Senate Majority
consider Senate Bills No. Caucous Room
1014 and 1020)

TUESDAY, MARCH 14, 1978

- 9:00 A.M. Special Senate Committee Senate Minority
on Senate Resolution No. Caucous Room
19 (Public Hearing on the
Audit Admission Policy,
Programs and Financial
Structure of Pennsylvania
Medical Schools)

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

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

THURSDAY, MARCH 16, 1978

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)

MONDAY, MARCH 20, 1978

11:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on the nomination of Aldo Colautti as Secretary of Public Welfare) Senate Majority Caucus Room

TUESDAY, MARCH 21, 1978

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

WEDNESDAY, MARCH 22, 1978

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

THURSDAY, MARCH 23, 1978

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

MONDAY, MARCH 27, 1978

1:30 P.M. APPROPRIATIONS (Budget Hearing with Department of Health) Senate Majority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing with the Drug Council) Senate Majority Caucus Room

TUESDAY, MARCH 28, 1978

9:30 A.M. APPROPRIATIONS (Budget Hearing with the Department of Public Welfare) Senate Majority Caucus Room

9:30 A.M. APPROPRIATIONS (Budget Hearing with the Department of Agriculture) Senate Minority Caucus Room

11:30 A.M. APPROPRIATIONS (Budget Hearing with the Milk Marketing Board) Senate Minority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing with the Department of Revenue) Senate Minority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing with the Department of Transportation) Senate Minority Caucus Room

WEDNESDAY, MARCH 29, 1978

9:30 A.M. APPROPRIATIONS (Budget Hearing with the Department of Environmental Resources) Senate Majority Caucus Room

9:30 A.M. APPROPRIATIONS (Budget Hearing with the Auditor General) Senate Minority Caucus Room

11:00 A.M. APPROPRIATIONS (Budget Hearing with the State Treasurer) Senate Minority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing with the Department of Community Affairs) Senate Majority Caucus Room

1:30 P.M. APPROPRIATIONS (Budget Hearing with the State Police) Senate Minority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing with the Department of Commerce) Senate Majority Caucus Room

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

THURSDAY, MARCH 30, 1978

9:30 A.M. APPROPRIATIONS (Budget Hearing with the Department of Justice) Senate Majority Caucus Room

9:30 A.M. APPROPRIATIONS (Budget Hearing with the School Employees' Retirement System) Senate Minority Caucus Room

11:00 A.M. APPROPRIATIONS (Budget Hearing with Department of Labor and Industry) Senate Minority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing with Temple University) Senate Majority Caucus Room

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 Uni-
versity)

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)

The SECRETARY. The meeting of the Committee on State Government scheduled for Thursday, March 9, 1978, has been cancelled.

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, March 8, 1978, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:46 p.m., Eastern Standard Time.