

Legislative Journal

TUESDAY, JUNE 13, 1978

Session 1978

162nd of the General Assembly

Vol. 1, No. 34

SENATE

TUESDAY, June 13, 1978

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

The PRESIDENT (Lieutenant Governor Ernest P. Kline) in the Chair.

PRAYER

The Chaplain, The Reverend ORVILLE V. WARNER, Pastor of Camp Hill United Methodist Church, Camp Hill, offered the following prayer:

Most Gracious God, Eternal Spirit, we pause at midday to express our sincere gratitude for the rain's refreshment and for the marvelous beauty of Your creation. You have, indeed, molded and fashioned each one of us in Your likeness and instilled within each one the breath of everlasting life and we are grateful.

We ask Your blessing to be upon this Body of elected representatives of the citizenry of our Commonwealth. Their job is not an easy one, the problems insurmountable at times. So, Father, embrace them with Your loving care and concern and, with Divine wisdom, lead them beside still waters and restore their souls. Amen.

JOURNAL APPROVED

The PRESIDENT. 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 LYNCH

Senator MESSINGER. Mr. President, I request a legislative leave of absence for today's Session for Senator Lynch.

The PRESIDENT. Without objection, at the request of Senator Messinger, a legislative leave for today's Session will be granted to Senator Lynch.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATION REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor

of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR VETERANS' CHILDREN

June 12, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 28, 1978 for the appointment of Theodore J. Foose, 828 Broad Street, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified, vice Doctor Ruth Miller Steese, Mifflinburg, resigned.

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

MILTON J. SHAPP.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also 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:

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

June 12, 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. Emma Carolyn Chappell, 1204 Paper Mill Road, Philadelphia 19118, Montgomery County, Seventeenth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1980, and until her successor is appointed and qualified, vice Dr. LeRoy Patrick, Pittsburgh, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF OSTEOPATHIC EXAMINERS

June 12, 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 Edward L. Clark, M.D. (Medical Member), 401 Woodbrook Lane, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Osteopathic

Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Andrew Newman, M.D., Huntingdon, Valley, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 13, 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 William H. Conway, 2330 Benson Avenue, Pittsburgh 15216, Allegheny County, Forty-second Senatorial District, for appointment as District Justice of the Peace in and for the County of Allegheny, Class 2, District 38, to serve until the first Monday of January, 1980, vice Myles E. Gillingham, Pittsburgh, resigned.

MILTON J. SHAPP.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 668** and **675**, which were referred to the Committee on Insurance.

He also presented for concurrence **HB 2027**, which was referred to the Committee on Labor and Industry.

He also presented for concurrence **HB 2124**, which was referred to the Committee on Local Government.

He also presented for concurrence **HB 276**, which was referred to the Committee on Public Health and Welfare.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 586** and **1475**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills, as amended, will be placed on the Calendar.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 1233, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1233**, and has appointed Messrs. DOYLE, PRATT and D. M. FISHER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1894**.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 665, 1369, 1466, 1467, 1468, 1469** and **1470**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

BILLS SIGNED

The President (Lieutenant Governor Ernest P. Kline) in the presence of the Senate signed the following bills:

SB 665, 1369, 1466, 1467, 1468, 1469, 1470 and **HB 1894**.

REPORTS FROM COMMITTEES

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported, as committed, **SB 1295** and **1519**.

Senator ARLENE, from the Committee on Labor and Industry, reported, as committed, **SB 951, HB 2301** and **2302**; as amended, **SB 1022**.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported without amendment, the following Senate Resolutions, numbered and entitled:

Serial No. 101—Directing the Senate Law and Justice Committee to review the management practices of the Liquor Control Board.

Serial No. 104—Senate Committee to investigate all aspects of cable television in Philadelphia.

He also, from the Committee on Rules and Executive Nominations, reported without amendment, House Concurrent Resolution No. **176**, entitled:

General Assembly directs Joint State Government Commission Task Force make an in-depth study of "The Administrative Code of 1929."

The PRESIDENT. The resolutions will be placed on the Calendar.

BILLS INTRODUCED AND REFERRED

Senators ARLENE, REIBMAN, STOUT, MURRAY, FUMO, HANKINS, KELLEY, EARLY, SMITH, HAGER, NOLAN, GURZENDA, JUBELIRER, CORMAN, COPPERSMITH, ROSS, LEWIS and HOPPER presented to the Chair **SB 1526**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," further providing for self-insurance.

Which was committed to the Committee on Labor and Industry.

Senators O'PAKE, LYNCH, SMITH and McKINNEY presented to the Chair **SB 1527**, entitled:

An Act amending Title 42 (Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the selection of the Prothonotary of Philadelphia.

Which was committed to the Committee on Judiciary.

Senators HAGER and SCANLON presented to the Chair SB 1528, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," further providing an exception to the partial abolition of tort liability.

Which was committed to the Committee on Insurance.

Senators LEWIS, HAGER and ROSS presented to the Chair SB 1529, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the imposition of the corporate net income tax.

Which was committed to the Committee on Finance.

Senators DWYER and ORLANDO presented to the Chair SB 1530, entitled:

An Act amending the act of (P. L. , No.), entitled "A supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled 'An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges,' making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated," providing for an allocation of money to fund a junior conservation camp.

Which was committed to the Committee on Appropriations.

Senator TILGHMAN presented to the Chair SB 1531, entitled:

An Act making an appropriation to the Center for the Blind, Philadelphia, Pennsylvania, for the provision of services to the blind.

Which was committed to the Committee on Appropriations.

Senators SNYDER, HESS and MANBECK presented to the Chair SB 1532, entitled:

An Act making an appropriation to the Lancaster Cleft Palate Clinic of Lancaster, Lancaster County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Senator EARLY presented to the Chair SB 1533, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the establishment of horse riding trails and show rings in county parks.

Which was committed to the Committee on Local Government.

He also presented to the Chair SB 1534, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring applicants for renewal of drivers' licenses to undergo a vision examination every four years.

Which was committed to the Committee on Transportation.

SENATE CONCURRENT RESOLUTIONS

RECALLING FROM THE GOVERNOR SB 190

Senators MURRAY and MESSINGER offered the following resolution, which was read, considered and adopted.

In the Senate, June 13, 1978.

RESOLVED (the House of Representatives concurring), That Senate Bill No. 190, Printer's No. 638, entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for commencement of prosecutions and changing reasonable to unreasonable," be recalled from the Governor for the purpose of further consideration.

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

MEMORIALIZING PRESIDENT AND CONGRESS TO ENACT LEGISLATION, OFFSETTING THE IMPACT OF ECONOMIC DISLOCATION

Senator MESSINGER offered the following resolution (Serial No. 219), which was read and referred to the Committee on Labor and Industry:

In the Senate, June 13, 1978.

Shifts in the location and industrial composition of economic activity are an indispensable ingredient of a viable and technologically dynamic economy which is capable of responding to the needs of the nation's citizens. However, it has become increasingly clear that much of the economic dislocation which occurs today serves no useful social purpose; rather, it enhances private profits, while causing in its wake enormous problems of social disintegration, despair and decay. Even in situations where economic dislocation does serve a wider social purpose, adversely affected workers, their families, and communities are forced to shoulder a disproportionate share of the adjustment burden, while potentially productive resources, both human and nonhuman, are idled.

Actions of the Federal Government, moreover, instead of preventing excessive economic dislocation or reducing its adverse impact, actually exacerbate, and in some cases cause, these very problems. Ranging from abrupt shifts in military and civilian procurement, to trade and environmental policies with massive potential dislocative impact, to tax laws which foster and subsidize excessive, antisocial mobility of capital, the Federal Government through its policies and actions (and inaction) bears no small share of the responsibility for the social and human costs of economic dislocation.

It doesn't have to be that way. Corporations are chartered by society; it is not unreasonable to require that their actions be consistent with a wider public purpose. It is no less reasonable to expect the Federal Government to adhere to the same principles in all its activities. When the public interest requires that property be taken by means of "eminent domain," is it not a well-established principle that prior owners receive just and adequate compensation? Workers and communities subject to the adverse impact of government-induced economic dislocation are rightfully entitled to no less favorable treatment. When shifting military priorities or foreign policy requirements result in contract cancellations, the Federal Government routinely indemnifies contracting corporations against any loss. Are adversely affected workers and communities entitled to any less favored treatment?

Apart from issues of equity and fairness, there are solid economic reasons to support the notion that the amount of economic dislocation associated with the untrammled workings of the "free market" is excessive. The magnitude of the human and nonhuman resources which are idled or discarded as a result of economic dislocation immeasurably complicates the enormously difficult task of achieving a full employment economy. It is probably no accident that the industrialized

countries of Western Europe, whose unemployment rates historically have been far lower than those of the United States, also have far-reaching policies and programs to regulate plant closings, mass layoffs, and other forms of economic dislocation, and to ameliorate the adverse impact of these actions upon affected workers and communities. Moreover, it is a widely recognized principle of economics that unilateral corporate decisions made solely with regard to the narrow private consideration of profit or loss do not take adequate account of external social consequences.

It must be emphasized that the question of whether society should exercise minimal control over corporate decisions with far-reaching social consequences is not a narrow regional issue. There is presently a mutually disadvantageous and ruinous competition between every state and municipality for business and jobs. This competition erodes the local tax base, causing cutbacks of sorely needed public services, without creating any net gain of jobs for the nation as a whole. With corporations free to "shop around" for the most lucrative subsidies and concessions, it is extremely difficult for any individual state or locality to resist, underscoring the importance of a comprehensive Federal approach to the economic dislocation problem.

The primary goal would be to assure continuity of employment in the affected community wherever possible, and utilization of available plant and equipment. It is recognized that attainment of this primary objective will not always be feasible. In such instances, financial and other forms of assistance must be made available to the innocent victims of economic dislocation, both to compensate for their loss, and to facilitate adjustment to the change in their economic circumstances.

The ultimate objective should be comprehensive Federal economic dislocation legislation, dealing with all major aspects of this many-faceted problem, including plant closings and relocations, shifts in military spending, effects of international trade, energy policy, and the regulation of environmental quality. While Congress and the Administration will have to fashion this policy, it is our conviction that any solution to the problem must rest upon the following four basic principles: (1) adequate advance notification of impending dislocation; (2) prevention or modification of socially unjustified dislocation, in order to assure protection of threatened workers and communities; (3) orderly and planned conversion of potentially idled human and nonhuman resources to alternative productive use whenever feasible; and (4) comprehensive adjustment assistance for adversely affected workers and communities, as a "backstop" measure in those instances when prevention or conversion are infeasible.

Pending enactment of such comprehensive legislation, we call upon the Congress and the President to undertake interim measures. For example, the President should improve the effectiveness of all of the administrative resources at his disposal which could be applied to the prevention of economic dislocation, and amelioration of its adverse effects. These administrative tools include, but are not limited to, government procurement policy and the use of existing programs to direct Federal resources in the form of loans, loan guarantees, technical assistance, etc., to "converting" corporations, and to other corporations which are adversely affected by economic dislocation. Communities impacted by economic dislocation should receive preferential treatment in the receipt of discretionary Federal funds; while the administration of existing Federal employee benefit programs affecting the victims of economic displacement should be liberalized.

It has become increasingly common to require "environmental impact" statements in the case of planned public or private projects with potential environmental consequences; similarly, a recent President issued an executive order requiring "inflation impact statements" in connection with Federal administrative proceedings such as promulgation of occupational health and safety standards. Corporate and Federal actions which cause economic displacement have social consequences which are no less serious; we therefore call upon the President to issue forthwith an executive order requiring "employment impact" statements prior to implementation of any major administrative decision, detailing the likely impact of the decision upon employees, corporations (including suppliers and customers), and communities, as well as listing options for

conversion and adjustment.

Existing programs should be examined for administrative and legislative expansion and improvement directed toward prevention of economic dislocation and amelioration of its adverse effects. For example, EDA Title IX could be more creatively used; benefits under the Trade Act, and other special programs should be improved and coverage extended to other categories of victims of Federal policy changes, such as workers and communities who are adversely affected by shifts in military spending and newly-promulgated energy and environmental policies; Federal bankruptcy laws should provide greater protection for employee compensation claims, both current and deferred, and those of adversely affected communities.

Addressing the problem of economic dislocation is an urgent priority for millions of Americans; we strongly urge Congress and the President to give this long-neglected problem the high priority attention which it so richly deserves; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to promptly enact comprehensive legislation to offset the impact of economic dislocation; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

Senator MOORE. Mr. President, I am very happy to have two distinguished visitors in the gallery today, Dr. Walter B. Watkin, Jr. and Mrs. Watkin. I respectfully request the Chair and my colleagues to give my visitors our usual warm welcome.

The PRESIDENT. If the guests of Senator Moore, Dr. Watkin and Mrs. Watkin, would please stand, we would like to welcome them to the Senate of Pennsylvania.

(Applause.)

RECESS

Senator MESSINGER. Mr. President, at this time I request a recess of the Senate for the purpose of a Democratic caucus to begin promptly at 1:30 p.m., with the expectation of returning to the floor at 3:30 p.m., with the notice to all Democratic Senators to please report promptly. It is a very important caucus.

Senator STAUFFER. Mr. President, there will also be a Republican caucus at 1:30 p.m. I would remind all the Members that, in addition to going over the Calendar, we will have a special session on the details of the amendments to the Motor Vehicle Code which are extremely important. I would ask everyone to be prompt.

The PRESIDENT. Senator Messinger has advised the Democratic Senators that an important caucus will begin promptly at 1:30 p.m. in the regular caucus room.

Senator Stauffer also advises the Members of the Republican caucus that there are several important matters to be taken up, in addition to the Calendar, in the Republican caucus which will begin promptly at 1:30 p.m.

For the purpose of the respective caucuses, this Senate stands in recess until 3:30 p.m.

AFTER RECESS

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

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 BOARD OF TRUSTEES OF
CALIFORNIA STATE COLLEGE**

June 13, 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 Miss Kimberly Jean Lama, R. D. 1, Box 264, Fayette City 15438, Fayette County, Thirty-second Senatorial District, for appointment as a student member of the Board of Trustees of California State College, to serve for a term of three years, or for so long as she is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Ronald D. Galloway, Pittsburgh, whose term expired.

MILTON J. SHAPP.

SECRETARY OF GENERAL SERVICES

June 13, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Honorable Ronald G. Lench, 3981 Dora Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third Tuesday of January, 1979, and until his successor shall have been appointed and qualified, pursuant to Act 45, approved July 22, 1975.

MILTON J. SHAPP.

**MEMBER OF THE BOARD OF TRUSTEES OF
WESTERN CENTER**

June 13, 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. Cundieff, 3480 Simen Street, Pittsburgh 15212, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January 1983 and until his successor is appointed and qualified, vice Dr. Sam Tirimacco, Canonsburg, terminated.

MILTON J. SHAPP.

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBERS OF THE WESTMORELAND COUNTY
BOARD OF ASSISTANCE**

June 13, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 22, 1978 for the reappointment of the following members of the Westmoreland County Board of Assistance:

Patrick J. McShane (Democrat), 125 Fourth Avenue, Scottsdale 15683, Westmoreland County, Thirty-ninth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Reverend Asa Ware Roberts (Republican), 320 Millers Lane, Lower Burrell 15068, Westmoreland County, Thirty-ninth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Michael Mulroy (Democrat), 115 Walnut Avenue, Scottdale 15683, Westmoreland County, Thirty-ninth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

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

MILTON J. SHAPP.

CALENDAR**REPORTS OF COMMITTEES OF CONFERENCE****BILLS OVER IN ORDER**

SB 94 and 1204 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

**BILL WHICH HOUSE HAS NONCONCURRED IN
SENATE AMENDMENTS****BILL OVER IN ORDER**

HB 1860 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**BILL OVER IN ORDER**

SB 74 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 189 (Pr. No. 1697) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 189.

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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,

Fumo, Gekas, Gurzenda,	Lynch, Manbeck, McCormack,	Reibman, Romanelli,	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.

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

BILLS OVER IN ORDER

SB 197 and 704 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION
BILL OVER IN ORDER

SB 1471 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL REREPORTED FROM COMMITTEE AS AMENDED
OVER IN ORDER

HB 1528 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 88 (Pr. No. 98) — 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, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda,	Hankins, Hess, Holl, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck, McCormack,	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.

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

BILL ON THIRD CONSIDERATION AMENDED

HB 191 (Pr. No. 3157) — Considered the third time,

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

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

Amend Sec. 1 (Sec. 4103), page 10, line 30; page 11, line 1, by striking out "USE" in line 30; page 10, and "DISTRIBUTION, STORAGE OR SALE" in line 1, page 11, and inserting: distribution, sale or storage for sale

Amend Sec. 1 (Sec. 4103), page 11, line 3, by striking out "USES, STORES" and inserting: stores for sale

Amend Sec. 1 (Sec. 4103), page 11, line 22, by removing the period after "POWER" and inserting: ; however, the term shall not include companies producing steel in Pennsylvania, or apply to persons engaged in the exploration, extraction, transportation, transmission, refining, processing, generation, distribution, sale or storage of energy strictly for use in their own manufacturing processes.

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

Senator SCANLON. Mr. President, I offered amendments yesterday which we finally concluded had three separate subject matters. We decided to withdraw those amendments and break them down into three individual amendments, two of which I am going to offer.

The first amendments remove the steel industry and coal mining people and those industries that use fuel strictly for their own manufacturing process. The amendments eliminate those concerns from the thrust of the bill.

Senator KURY. Mr. President, I oppose the amendments. This bill has been well drafted. It is the result of a great deal of effort on the part of my committee and the committee of the gentleman from Lackawanna, Senator Mellow. It is a well limited bill, well defined and I believe these amendments are unnecessary. They would take away from the effectiveness of the act.

Therefore, Mr. President, I would ask for a "no" vote.

Senator SCANLON. Mr. President, I ask for a roll call vote.

Senator TILGHMAN. Mr. President, I rise to support the amendments. The bill as drafted has this section in it which is to be amended out. It is ridiculous that a company which makes energy for its own use would fall within the purview of this bill. These are good amendments and we should support them.

Senator BELL. Mr. President, I support the gentleman from Northumberland, Senator Kury, because I do not know how the steel mills will operate if they have a great big coal pile and there is no coal at the electric company to provide electricity to run the steel mill.

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

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

YEAS—37

Andrews, Arlene, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas,	Gurzenda, Hankins, Hess, Holl, Howard, Jubelirer, Kusse, Lynch, Manbeck,	McCormack, McKinney, Moore, Murray, Nolan, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman,
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NAYS—7

Bell,	Kury,	Mellow,	Sweeney,
Kelley,	Lewis,	Messinger,	

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

The PRESIDENT. House Bill No. 191 will go over, as amended.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 239 (Pr. No. 3245) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

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.

HB 270 (Pr. No. 290) — 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—44

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

NAYS—2

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

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

BILL OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 711 (Pr. No. 3392) — 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—29

Arlene,	Gurzenda,	McKinney,	Orlando,
Bell,	Hankins,	Mellow,	Reibman,
Coppersmith,	Holl,	Messinger,	Ross,
Dougherty,	Kelley,	Murray,	Scanlon,
Duffield,	Lewis,	Nolan,	Smith,
Dwyer,	Lynch,	Noszka,	Stout,
Early,	McCormack,	O'Pake,	Sweeney,
Fumo,			

NAYS—16

Andrews,	Howard,	Manbeck,	Stapleton,
Corman,	Jubelirer,	Moore,	Stauffer,
Gekas,	Kury,	Schaefer,	Tilghman,
Hess,	Kusse,	Snyder,	Zemprelli,

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.

SB 752 (Pr. No. 798) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

NAYS—0

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

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

BILL OVER IN ORDER

SB 917 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL RECOMMITTED

SB 1046 (Pr. No. 1943) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Local Government.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1094 (Pr. No. 1959) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

BILLS OVER IN ORDER

HB 1171 and SB 1185 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1205 (Pr. No. 3393) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

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.

SB 1276 (Pr. No. 1577) — 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, | Hankins, | McKinney, | Ross, |
| Arlene, | Hess, | Mellow, | Scanlon, |
| Bell, | Holl, | Messinger, | Schaefer, |
| Coppersmith, | Howard, | Moore, | Smith, |
| Corman, | Jubelirer, | Murray, | Snyder, |
| Dougherty, | Kelley, | Nolan, | Stapleton, |
| Duffield, | Kury, | Noszka, | Stauffer, |
| Dwyer, | Kusse, | O'Pake, | Stout, |
| Early, | Lewis, | Orlando, | Sweeney, |
| Fumo, | Lynch, | Reibman, | Tilghman, |
| Gekas, | Manbeck, | Romanelli, | Zemprelli, |
| Guizenda, | McCormack, | | |

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.

SB 1331 (Pr. No. 1662) — 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, | Hankins, | McKinney, | Ross, |
| Arlene, | Hess, | Mellow, | Scanlon, |
| Bell, | Holl, | Messinger, | Schaefer, |
| Coppersmith, | Howard, | Moore, | Smith, |
| Corman, | Jubelirer, | Murray, | Snyder, |
| Dougherty, | Kelley, | Nolan, | Stapleton, |
| Duffield, | Kury, | Noszka, | Stauffer, |

Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

SB 1341 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

BILL REREFERRED

SB 1350 (Pr. No. 1939) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1367 (Pr. No. 1724) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

YEAS—46

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

NAYS—0

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

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

BILLS OVER IN ORDER

SB 1419 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SB 1428 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1429 (Pr. No. 1807) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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.

SB 1430 (Pr. No. 1808) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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.

SB 1432 (Pr. No. 1960) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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 1438 (Pr. No. 1817) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MESSINGER. Mr. President, I request that Senate Bill No. 1438 go over in its order.

Senator EARLY. Mr. President, I object to the bill going over in its order and would like to offer amendments to Senate Bill No. 1438.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2 by inserting after "of" where it appears the last time: real

Amend Sec. 1 (Sec. 1) page 1, line 15 by inserting after "authority": having the power to levy real property taxes

Amend Sec. 1 (Sec. 1), page 1, line 15 by inserting after "classify": real

Amend Sec. 1 (Sec. 1), page 1, line 18 by inserting after "authority": having the power to levy real property taxes

Amend Sec. 1 (Sec. 1), page 1, line 18 by inserting after "of": real

Amend Sec. 1 (Sec. 1), page 2, line 2 by inserting after "authority": having the power to levy real property taxes

Amend Sec. 1 (Sec. 1), page 2, line 3 by inserting after "of": real

Amend Sec. 1 (Sec. 1), page 2, by inserting after line 3: The provisions of this section relating to the taxation of real property in accordance with its use shall not apply until the General Assembly has enacted laws relating to the classification of such classes of real property and the taxes to be levied thereon.

On the question,

Will the Senate agree to the amendments?

Senator EARLY. Mr. President, there was some discussion in the Democratic caucus as to what would happen if this legislation would finally be enacted into law. The discussion was: Would it immediately go into effect? The provisions which I am asking for in Senate Bill No. 1438 would go into effect immediately.

I am offering amendments which specifically state that if

this bill should ultimately become law, the provisions would only become effective after we pass enabling legislation. In other words, we, in the General Assembly here, would have to determine what changes would be made if we do away with the provision that eliminates the uniformity clause in the Constitution.

Mr. President, I respectfully ask that these amendments be passed.

Senator STAUFFER. Mr. President, although, quite frankly, I oppose the concept embodied in Senate Bill No. 1438 and, when we get to that, we will debate the issue, I believe that the amendments offered by the gentleman are constructive amendments and would recommend their approval.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL OVER IN ORDER TEMPORARILY

SB 1454 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

SB 1341 CALLED UP

SB 1341 (Pr. No. 1944) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1341 (Pr. No. 1944) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by inserting a comma after "violations"

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 5, by removing the period after "circumstances" and inserting: , further providing for studded tires and providing penalties.

Amend Sec. 1, page 1, line 8, by inserting after "1532": and section 4525

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting: are

Amend Bill, page 2, by inserting between lines 20 and 21:

§ 4525. Tire equipment and traction surfaces.

(a) General rule.—No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department.

(b) Vehicles not equipped with pneumatic tires.—It is unlawful for any person to operate or move, or cause or permit to be moved, in contact with any highway any vehicle equipped with traction or road contact surfaces other than pneumatic tires unless of a type, size and construction permitted by regulations of the department and unless the movement is made under specific conditions allowed by regulations of the department.

(c) Tire studs.—

(1) No vehicle having tires containing studs shall be driven on any highway except as provided in paragraph (2).

(2) Tires in which ice grips or tire studs of wear resisting material have been installed which provide resiliency upon contact with the road and which have projections not exceeding two thirty-seconds of an inch beyond the tread of the traction surface of the tire shall be permitted on school buses, emergency vehicles, vehicles registered for use by handicapped persons pursuant to section 1338 (relating to handicapped plate), the private vehicles of physicians if such private vehicles are used on emergency calls and vehicles used by morticians for the purpose of conducting funeral services between November 1 of each year and April 30 of the following year. The Governor may by executive order extend the time tires with ice grips or tire studs may be used under this paragraph when highway conditions are such that such tires would be a safety factor in traveling Commonwealth highways. The use of tires with ice grips or tire studs contrary to the provisions of this subsection shall be unlawful.

(d) Tire chains.—Tire chains may be temporarily used on vehicles during periods of snow and ice emergency if they are in conformance with regulations promulgated by the department.

(e) Penalty.—

(1) Any person violating the provisions of subsection (c) shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine as indicated in paragraph (2) and in default of payment thereof, shall undergo imprisonment for not more than 30 days.

(2) Fines for violation of subsection (c) shall be determined from the following chart based on the period of unauthorized use:

May 1 to May 31	\$35
June 1 to June 30	45
July 1 to July 31	55
August 1 to August 31	55
September 1 to September 30	55
October 1 to October 31	55
November 1 to April 30	10

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

Senator MESSINGER. Mr. President, these amendments would allow studs on tires for emergency vehicles; in fact, for school buses, emergency vehicles, vehicles registered for use by handicapped persons pursuant to Section 1338, the private vehicles of physicians, if such vehicles are used on emergency calls, and vehicles used by morticians for the purpose of conducting funeral services.

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—27

Andrews,	Dwyer,	Kelley,	Snyder,
Arlene,	Early,	Kusse,	Stapleton,
Bell,	Fumo,	McKinney,	Stauffer,
Coppersmith,	Gurzenda,	Messinger,	Stout,
Corman,	Hankins,	Moore,	Tilghman,
Dougherty,	Hess,	Romanelli,	Zemprelli,
Duffield,	Holl,	Schaefer,	

NAYS—18

Gekas,	Lynch,	Nolan,	Ross,
Howard,	Manbeck,	Noszka,	Scanlon,
Jubelirer,	McCormack,	O'Pake,	Smith,
Kury,	Mellow,	Orlando,	Sweeney,
Lewis,	Murray,		

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

The PRESIDENT. Senate Bill No. 1341 will go over, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1455 (Pr. No. 1847) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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 1456 (Pr. No. 1848) — Considered the third time,

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

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

- Amend Sec. 3, page 2, line 6, by striking out "in any way subject"
- Amend Sec. 3, page 2, line 7, by removing the period

after "insurance" and inserting: of deposits in private banks.

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 MELLOW.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1457 (Pr. No. 1849) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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 1458 (Pr. No. 1850) — Considered the third time,

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

Amend Sec. 1 (Sec. 8158), page 10, lines 14 and 15, by striking out "As one of such" and inserting: Such

Amend Sec. 1 (Sec. 8158), page 10, lines 15 and 16, by striking out "the board of directors from time to time"

Amend Sec. 1 (Sec. 8158), page 10, lines 18 and 19, by striking out "may not exceed by more than the sum of \$10,000, and"

Amend Sec. 1 (Sec. 8158), page 10, line 19, by striking out "not"

Amend Sec. 1 (Sec. 8158), page 10, line 19, by striking out "less than"

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 ZEMPRELLI.

BILL OVER IN ORDER

SB 1477 — Without objection, the bill was passed over in its

order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1492 (Pr. No. 1894) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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.

SB 1499 (Pr. No. 1909) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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 DEFEATED ON FINAL PASSAGE

SB 1506 (Pr. No. 1941) — 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 KELLEY. Mr. President, Senate Bill No. 1506 represents, I believe, something that is very dear to the hearts of the Members of the Senate and the House.

From time to time each of us seems to take the floor and talk about representative government and the voice of the people.

As a matter of policy, the Commonwealth, a number of years ago, adopted the retention system for the judiciary branch. This bill, essentially, is to prostitute that system. It allows members of the judiciary, who were voted on within a judicial district, an opportunity to have retention when they have assumed a much broader constituency, and that is the whole Commonwealth of Pennsylvania. I believe that is inherently wrong and inconsistent with the entire concept of retention. Not only that, I see an opportunity for abuse by the chief executive of his appointing authority under this where the Governor, of one party, could use people of his own party or political persuasion for appointments to not stand for election, but rather retention, and at the same time, using the other party appointees, if he wants to make any, to have to stand for a vote by the electorate.

If we are going to adopt and embrace the true concept of retention it should be within the same voting constituency.

In this case, because somebody was elected within a small area of the Commonwealth, we are now going to give automatic retention rights to the entire Commonwealth.

I do not see how anybody, even if we believe in retention, can embrace the concept of expanding it, as this bill does. I believe it is abusive and treading upon the free choice of the electors of the Commonwealth.

Senator BELL. Mr. President, I thoroughly concur with the gentleman from Westmoreland, Senator Kelley.

Pennsylvania has something very unique. It is very similar to that found in England; we have the King's Bench. That is the Commonwealth Court.

As far as I can ascertain, we have never had a Commonwealth Court judge run in a popular election. Yes, we have had some retention elections, but this has been so legislatively managed that no member of the Commonwealth Court was ever elected by the people.

Senator COPPERSMITH. Mr. President, listening to both the gentlemen made me wonder if this principal would not permit the retention of a common pleas judge who was appointed to the Supreme Court? The Commonwealth Court is an appellate court, a statewide court and, I believe, if we adopt this type of legislation, if a common pleas judge is appointed to the Supreme Court we would, quite logically, allow him to be retained.

Senator McCORMACK. Mr. President, I had no intention of speaking on this bill. However, I was present at the meeting of the Committee on Judiciary and voted to report the bill out of committee.

Originally, I did not feel too good about the bill. I felt it was an extension of the retention election system which we have in

Pennsylvania. Nevertheless, I was impressed by what the gentleman from Lancaster, Senator Snyder, said at that meeting. He said to the extent it would permit judges to avoid getting involved in the political arena, it was a step in the right direction. I happen to feel what he said was correct.

I believe this bill was designed and had in mind a particular judge who was appointed to the Commonwealth Court. That judge was confirmed by this Senate. I feel he is a competent individual who should not be put to risk because he accepted that appointment. He was elected by the people in his district. There was virtually no opposition to his nomination. He was deemed qualified. Should we have him submit to another election when we very well know the vagaries of the electorate, as the gentleman from Lancaster, Senator Snyder, also pointed out? All of us at one time or another have seen qualified competent attorneys defeated in judicial elections statewide. I believe if we pass this bill it, indeed, would be a step in the right direction and I believe, as a matter of fairness and a matter of professional courtesy and decency, we should support this bill.

Senator JUBELIRER. Mr. President, I rise to oppose this legislation, Senate Bill No. 1506, much for the same reasons that the gentleman from Westmoreland, Senator Kelley, and the gentleman from Delaware, Senator Bell, set forth. I would also like to respond to the statements made by the gentleman from Cambria, Senator Coppersmith, to extend this to the Superior Court and the Supreme Court. I do believe, Mr. President, this is a statutory court and in order to extend this to the Supreme Court and Superior Court we would have to amend the Constitution. Therefore, I believe this will apply only to the Commonwealth Court if this legislation passes.

Mr. President, I think we cannot look to the one individual to whom this legislation is obviously directed. I am sure the gentleman who was the last appointee to the Commonwealth Court and confirmed by the Senate may very well be a fine judge. However, I believe when we deal with legislation we cannot deal with individuals. I think we must deal with the concept as a whole.

If we pass this kind of legislation, Mr. President, we are taking a concept and saying it should apply only to one court. We are saying, "Do not trust the people," because the people are not smart enough or they cannot have the choice of electing a judge to the Commonwealth Court. I believe the gentleman from Delaware, Senator Bell, was correct when he said there has never been an election for a judge of the Commonwealth Court.

I believe if we are going to have the concept that judges need not be elected, then let us do it and let us do it as an overall concept and go up or down on that concept, but to take this particular piece of legislation which is, in fact, directed toward one particular judge, have it introduced one week, have a committee meeting several days later and have this bill run at this time when we are preparing to adjourn for our summer recess in several weeks, is wrong. I think we ought to study this kind of legislation and recognize what we are doing when we pass a concept which says, "We are going to take your time on the Common Pleas Court"—and it is a gimmick—and we will take this particular type of situation and add that to the time of the Commonwealth Court judges. If it comes out to ten years, we are saying, "You do not have to submit your name to the

people; that sixty-six out of sixty-seven counties have no right to speak as to whether you are qualified."

Mr. President, the bill further deals with the concept of merit selection or as the Governor in office sees the concept of merit selection, or a like type of thing. We have no understanding whether Governor Flaherty or Governor Thornburgh will decide to continue that particular policy. We have all seen instances in many places across the Commonwealth where merit selection is purely in the hands of the appointing authority.

I feel before we become mixed up in concepts, which this Body has not studied, for which there have been no public hearings, to which there has been no input from other groups, but rather a bill which was introduced, I believe, about the first week of this month—and we are running it just two weeks later—we should be very careful when we give our approval to this type of concept in so short a time for one particular judge.

Mr. President, I believe we should defeat this type of legislation.

Senator SNYDER. Mr. President, there seems to be a strong tide running against this bill and, yet, I would not feel as though I was doing the thing I should if I did not speak a word for it.

It seems to me that this bill really assures us that we have ten years of experience on a Bench, even though it is a local Common Pleas Bench, before the person is passed upon by the voters the final time. Bear in mind that anyone who would qualify for the retention system under this bill would not only have had to have been elected in his own district for a full term and served nearly all of that term, but he must also be nominated by the Governor, he must be confirmed by this Body, and then he must survive the retention election. It does not seem to me that we would have anyone railroaded into office to the detriment of the public if all of those hurdles must be gone over.

Whenever we become involved in discussions about depriving the people of something along this line, I ask myself, "What about our Federal system?" There the people never vote on a Supreme Court Judge, on a Circuit Court Judge, nor on a District Judge. All they get is a presidential appointment and then the confirmation of the Senate. It is true that not all of the people who have gotten on the Federal Bench have been models of judicial poise and ability, but at the least the system seems to work in general.

I believe a distinction should be drawn here too with the Commonwealth Court, which is a statutory court, and to which this bill can only apply because I believe you need a Constitutional amendment for the other two Appellate Courts. With respect to the Supreme Court nobody can succeed himself. Therefore, it does not apply there.

However, I believe this legislation deserves a fair chance. I would say that the fact that we do it in the Commonwealth Court again does not bind our hands and, indeed, we can repeal it if we do not like it. I would think the bill deserves a fair chance. I am somewhat impressed by the record of the Commonwealth Court. As it stands right now, they are the only appellate court that does not have a backlog, that is in pretty bad shape, and they are the only court for which one hears rather generous praise in certain quarters.

It is true that we should not be legislating for a single situation and it appears that this would fit a single situation. However, ignoring that and looking at the whole picture, it seems to me that this bill does not show up badly and I, for one, plan to vote for it.

Senator DUFFIELD. Mr. President, I believe the major reason we should vote for this bill is that the Governor, in selecting candidates for the Commonwealth Court, should look to qualified judges in the lower courts; their record, their service in the Common Pleas Court or the Municipal Court of Philadelphia, should be considered. A judge who might have served many distinguished years, let us say in Fayette County as a Common Pleas judge, could possibly have that job for the remainder of his life. If he could not couple that time he had already served with the time on the Commonwealth Court toward retention, most judges would, I feel, think very seriously about moving to the Commonwealth Court when they are giving up, in the Common Pleas Court, a lifetime job. Perhaps there has been one judge in Pennsylvania who has not been retained by vote in his county. Therefore, we might deprive ourselves, if this bill is defeated, of securing competent, experienced sitting judges in the lower courts, to take a position on the Commonwealth Court where they would subject themselves to the vicissitudes and the great expense of a statewide campaign and becoming recognized in all the sixty-seven counties of the Commonwealth.

Therefore, I feel, for this reason, the Governor, whomever he may be, should be able to hold an attraction out to these prospective judges. The pay is approximately the same; the retirements are the same; and if this retention is not guaranteed to them, they can stay in their own county for the remainder of their life and be a Common Pleas judge without the risk inherent to statewide campaigning.

I know if I were a Common Pleas judge in a county, I would be very hesitant to step into a Commonwealth Court position if I knew that in a year or two I would have to run statewide. If I had ten years on that Bench and could become known throughout the State, that would be a horse of different color. But the short period of one, two or three years does not present a Judge of the Commonwealth Court enough statewide exposure to cause him to rest easy on his reelection.

Therefore, Mr. President, I feel the great thing about this bill is that it attracts capable judges from the counties who might be hesitant of serving a year or two in the Commonwealth Court and then exposing themselves, both to the electorate and the great expense involved, to running statewide. I feel we will get better judges to accept this court and to accept the appointments thereon if this bill is passed.

Senator ZEMPRELLI. Mr. President, I do not know if it has been said on the floor as yet or not, but I know it is a fact that some of the pros and cons with respect to Senate Bill No. 1506 are embedded and spawned in the politics of Democrats versus Republicans. That is unfortunate.

First, I believe a statewide election for a judgeship is a joke. I am not sure that a statewide or a countywide election for a judge in Philadelphia and Allegheny Counties is not also a joke. I have talked to many electorates who simply have not known the candidates and admit to it, but they vote. We have our

judges who are brought to us basically because they are people who have the experience and the knowledge and, if they are elected, can serve adequately.

It is interesting because, as this discussion was taking place on the floor and as I was listening to the gentleman from Fayette, Senator Duffield, and the gentleman from Lancaster, Senator Snyder, I was reading a letter from the President Judge of the Commonwealth Court of Pennsylvania in which he related to the bill before us and asked for its support. As I recall, I believe Judge Bowman was a Republican and I believe he was also an astute Member of the House. He asks for the support of this bill.

I would like to read the second paragraph of his letter.

"As you are aware, a common pleas judge who seeks and obtains an appointment to the Commonwealth Court under existing law is at a disadvantage in that he must participate in a contested election for a full term on the Commonwealth Court, notwithstanding having served for a long period of time on the common pleas bench, whereas, another common pleas judge without risk to his status as a judge would run against a recently appointed Commonwealth Court judge in a primary on a municipal election."

I think that is the sum and substance of what we are talking about. If our attitude is one of taking the judgeships out of politics, is that not precisely the problem? Whereas it may be a Democrat judge today, would the law not also apply to a Republican judge in the future? Is the question not one of principle rather than politics and is this not the direction in which we are going in many facets of public life where we think in terms of retention? Was this not the Body that recently considered retention at the level of the magistrate? Is that not something to suggest that those types of retentions would have priority over our appellate courts?

I strongly support this bill, Mr. President, and I am sure I would support it whether the person who is particularly involved at this time is a Republican or a Democrat.

Senator DOUGHERTY. Mr. President, with due respect to the judge who is in this predicament, I must ask the question: Who ordained that judges were a special class of citizens in this Commonwealth?

We talk about a question of principle. The principle of American democracy is that government is of the people, that the people have the right to elect their public officials. Indeed, if my good friend the gentleman from Lancaster, Senator Snyder, would like to engage in debate some time off the floor, we can talk about the merits of the Federal judges. I am sure there are a lot of average, ordinary citizens who think that the Federal judges should be elected also.

Many people in this Body have had strong reservations against retention because it continues to pull the courts farther and farther away from the people and government is the people.

Mr. President, the judiciary is part of the American political system. Power rests in the people. We elect our legislators, we elect our President and there is no reason why we should not be able to elect our judges.

I believe it is a terrible thing when we get to a point in time when we start talking about the disadvantages to the judges be-

cause they have to campaign statewide, or the disadvantage to the poor judge who may not get elected and gave up a safe seat on some county common pleas court. That is the way the system works. I do not know that there has ever been an absence of persons wanting to run statewide for justices of the Supreme Court or judges of the Superior Court or the Commonwealth Court. There are enough lawyers of high reputation and caliber in this Commonwealth, I am sure, who would gladly seek an election office to the court.

I believe, Mr. President, we should stop worrying so much about what is best for the poor judges of Pennsylvania and start talking about what is best for the people, because government is the people.

Senator O'PAKE. Mr. President, I am frankly surprised that there is so much ado about this very narrow piece of legislation.

I am not going to attempt to respond individually to all the attacks on the bill, except one, which I believe is a personal one, by the gentleman from Blair, Senator Jubelirer. I wish to point out that this bill was introduced on June 1st; it is now June 13th and the gentleman, with his tremendous mental capacity, I am sure, in thirteen days can decide whether or not he favors the concept of retention as applied to the Commonwealth Court.

I am not prepared to debate the concept of whether or not we ought to have retention with the gentleman from Philadelphia, Senator Dougherty. As a matter of fact, that is not the issue in this piece of legislation at all. The very single question is: If you believe in retention, especially at the Appellate Court level, do you want to deprive the years of service that that sitting judge, who had been elected to a Common Pleas Court, has compiled? If the theory behind the retention system is to take judicial decision-making out of the political arena, what difference is there whether that service as a judge has been on a Common Pleas Court, when he was elected and then appointed, under the merit system and is now serving on the Appellate Court?

I would like to reiterate the comments and appreciate the comments of my colleague from Lancaster, Senator Snyder, who has consistently said that anything that is a step forward in improving the system of judicial selection in Pennsylvania ought to be advanced. I believe, clearly, this is a step in that direction. I do not see all the horrendous consequences that have been given by the prophets of doom here. As a matter of fact, I wonder whether partisanship might not play some small part in the debate on this bill.

Senator BELL. Mr. President, I want to jog some people's memories. The impression left by the people in favor of this bill is that you should be a judge to be on our Commonwealth Court or else you are not competent.

I believe one of the most competent members of the Commonwealth Court is a young lady—she was young when I was young—who sits on that court. I do not believe she was a judge. When that court was put together—and I was one of the people who pushed through the legislation to establish that court—we did not say you had to be a Common Pleas judge before you went on to Commonwealth Court.

The gentlemen who are arguing for this bill miss the whole point. The point is this: This court is supposed to be an elected court but it has never had any of its members elected. This is

not England. The Crown should not have the right to appoint the judges in Pennsylvania.

Back in 1969, as I recall, we had a plebiscite to the people as to whether they wanted merit selection of judges. The people said no, they did not want it. This was under the Constitution. In Pennsylvania we have our judges elected by popular selection.

If somebody does not want to hold a statewide court, do not let them get in the kitchen because they have to go through the heat of fighting to be elected. I want to conclude with a few remarks on this point.

I represent a quarter million people. Everybody in this Chamber represents a quarter million people. Your people and my people have the right, under our Constitution, to vote for and select those people who wear the black robes and sit in judgment on them. My citizens, in my District, have not had this right to select their judges and, until we change the Constitution of Pennsylvania, the people of this State have the right to choose their own judges.

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—19

Arlene, Duffield, Early, Gurzenda, Kury,	Lynch, McCormack, McKinney, Messinger, Murray,	O'Pake, Romanelli, Ross, Scanlon, Smith,	Snyder, Stauffer, Stout, Zemprelli,
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NAYS—26

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Fumo,	Gekas, Hess, Holl, Howard, Jubelirer, Kelley, Kusse,	Lewis, Manbeck, Mellow, Moore, Nolan, Noszka,	Orlando, Reibman, Schaefer, Stapleton, Sweeney, Tilghman,
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Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

RECONSIDERATION OF SB 1506

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1506 (Pr. No. 1941) — Senator ZEMPRELLI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1506, Printer's No. 1941, just failed of final passage.

Senator ROMANELLI. Mr. President, I second the motion.
The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I request that Senate Bill No. 1506 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

BILL OVER IN ORDER

HB 1855 (Pr. No. 2263) — Considered the third time,

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

Amend Title, page 1, lines 2 and 3, by striking out both of said lines and inserting: of Pennsylvania, further providing for classification of property for tax purposes.

Amend Bill, page 1, lines 9 through 18; page 2, lines 1 through 15, by striking out all of said lines and inserting:

That section 1 of Article VIII be amended to read:

§ 1. Uniformity of taxation.

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. For the purpose of levying taxes under general laws, any taxing authority with the power to levy real property taxes shall have the authority to classify real property according to its use: the classes to include, but not be limited to: residential, commercial, agricultural and industrial.

Taxes as levied by any taxing authority with the power to levy real property taxes upon each class of real property classified by its use shall be uniform within the class. Any taxing authority with the power to levy real property taxes shall have the authority to impose different real property tax rates upon the classes of real property.

The provisions of this section relating to the taxation of real property in accordance with its use shall not apply until the General Assembly has enacted laws relating to the classification of such classes of real property and the taxes to be levied thereon.

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

PARLIAMENTARY INQUIRY

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

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

Senator GEKAS. Mr. President, may I ask: Do the proposed amendments, in the colloquial, "gut" the original bill?

The PRESIDENT. They do, Senator.

Senator GEKAS. Mr. President, that is what I have always wanted to know since I have been in the General Assembly. I have wanted to ask this question before.

Is it germane to the original subject of a bill to offer amendments that delete the entire subject matter of the original bill?

The PRESIDENT. In the opinion of the Presiding Officer, it is not germane. The Presiding Officer so ruled on October 11, 1977, and this Senate did not agree with the Presiding Officer in a vote that was taken.

So, in accordance with the precedent set by this very Body, I would view the amendments as germane, Senator.

MOTION ON GERMANENESS OF AMENDMENTS

Senator GEKAS. Mr. President, I should like to move the Body to consider these amendments not germane.

The PRESIDENT. We will be at ease for just a minute. We will consider the procedure. You have a right to do that and we will turn the matter over to the Body. I will be glad to show you the vote, Senator.

The question of germaneness having been raised by Senator Gekas, the Chair will submit the matter to the Body, with the explanation that, indeed, the amendments presented by Senator Early, do remove all of the amendments in the original bill and put in new amendments.

Those voting "aye" will vote that they are germane, those voting "no" will vote that they are not germane.

On the question,

Are the amendments germane to the original bill?

Senator EARLY. Mr. President, I would like to also state, on Tuesday, October 25th, a joint resolution was presented to this Body, Senate Bill No. 1021, of which the entire text was gutted and a new text was inserted. No one in this Body, including the gentleman from Dauphin, Senator Gekas, objected to that.

Precedent not only was set as the President indicated, but precedent was set many, many times in this Body.

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

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

Senator EARLY. I will, Mr. President.

The PRESIDENT. If it is a matter on the question of germaneness, I will permit the interrogation, but not to the heart of the amendments.

The only issue before the Senate at the moment is the issue of whether or not it is germane for an amendment—using Senator Gekas' very descriptive word—to "gut" a bill and put a whole new bill in. That is the issue before this Body, not the substantive content of the amendments.

Senator KELLEY. Mr. President, my query is really—in order to afford me and my colleagues to determine their votes—to inquire of the gentleman as the whether or not the amendments purported to go in are the same language of the earlier bill amended by the gentleman. I do not know the number. I just want to know if that is the substance of the purported amendments.

Senator EARLY. Mr. President, in answer to the gentleman's question, it is an entirely new substance.

Senator KELLEY. It is what, Mr. President?

The PRESIDENT. The answer was: It is an entirely new substance.

Senator Kelley, I know you will appreciate this comment from me because you are an astute person concerned with parliamentary procedure and we are only concerning ourselves with parliamentary procedure here, not substantive matters; but how the Senate shall act in handling the passage of legislation.

Senator KELLEY. Mr. President, then I ask for the entire reading of the purported amendments so that we can have—

The PRESIDENT. That is a perfectly proper request and the Clerk will proceed to read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, lines 2 and 3, by striking out both of said lines and inserting: of Pennsylvania, further providing for classification of property for tax purposes.

Amend Bill, page 1, lines 9 through 18; page 2, lines 1 through 15, by striking out all of said lines and inserting:

That section 1 of Article VIII be amended to read:

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Taxes as levied by any taxing authority with the power to levy real property taxes upon each class of real property classified by its use shall be uniform within the class. Any taxing authority with the power to levy real property taxes shall have the authority to impose different real property tax rates upon the classes of real property.

The provisions of this section relating to the taxation of real property in accordance with its use shall not apply until the General Assembly has enacted laws relating to the classification of such classes of real property and the taxes to be levied thereon.

And the question recurring,

Are the amendments germane to the original bill?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator McCormack, will state it.

Senator McCORMACK. Mr. President, I am not sure that I understand exactly what the Chair has stated and I would like to raise a parliamentary inquiry.

Mr. President, when the gentleman from Dauphin, Senator Gekas, originally rose to a parliamentary inquiry as to the germaneness of these amendments, the Chair stated that he had previously ruled that a like amendment was not germane, but the Senate did not sustain the Chair's ruling.

Now, is the Chair changing its ruling so that the Chair is saying the amendments are not germane or is the Chair refusing to rule and submitting the entire question to the Body?

The PRESIDENT. In effect, Senator, the latter is true. What I have done is tell the Body what my personal opinion and ruling was last year, which was overruled by this Body. I refused to rule it out of order or to accept it and when the question was raised, I put the issue to the Body, which I have a right to do. The Body has the final decision ultimately. It is a matter of pro-

cedure. Unless someone would have raised the question, I would have accepted it in accordance with the precedent that was established last October by a vote of this Body of 27 to 20.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Northumberland, Senator Kury, will state it.

Senator KURY. Mr. President, do we understand that the Chair is not ruling on the germaneness but we are now to vote on that ourselves?

The PRESIDENT. That is correct, Senator. You are now about to decide the germaneness of these amendments.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Erie, Senator Orlando, will state it.

Senator ORLANDO. Mr. President, did I not understand when the Chair was referring to the October decision, which was overruled by the Body, that the Chair did rule that this was germane and asked for—

The PRESIDENT. No, Senator. In October of 1977 I ruled that this kind of a procedure which completely guts a bill and inserts a whole new concept was not germane. At that time the Body overruled me and said it was.

Senator ORLANDO. At that time, Mr. President, did the Chair not also state shortly after that, in continuation of the discussion, that it would rule this as germane and we had the gentleman from Dauphin, Senator Gekas, oppose.

The PRESIDENT. When Senator Gekas raised the question I said, in my personal opinion, I think it is not germane but in accordance with the precedent set by this Body in October of 1977, I would not rule it out of order. The question was then raised by Senator Gekas and I will present it to the Body.

Senator ANDREWS. Mr. President, I would like to point out on the question of germaneness that the bill on the Calendar deals with Article VII of the Constitution and the amendments offered by the gentleman from Allegheny, Senator Early, deals with Article VIII of the Constitution, which are two separate sections of the State Constitution.

Senator KURY. Mr. President, very briefly, I would urge the Members on both sides of the aisle to vote that these amendments are not germane. This Body is considered a deliberative Body. I remember a previous Lieutenant Governor who thought this was the greatest deliberative Body in the country and, while it may be an exaggeration, I feel we should have some pride in our sense of deliberateness here, our sense of precedent and our sense of history.

I feel that whatever we have done in the past which has done violence to that—and I think we have done violence to that tradition—should be restored. I do not feel we should continue the precedent which was set in the situation to which the Presiding Officer refers. I believe we should put ourselves back in that sense of tradition and have the respect for the proceedings

of this Body which we should have as Senators.

Therefore, Mr. President, I am going to vote that these amendments are not germane and I would urge my colleagues to do likewise.

Senator LEWIS. Mr. President, it is my recollection that when the similar issue was presented some months ago, which has not been spoken about at great length, I voted in support of the ruling of the Chair. It seems to me, however, that opinions are waxing and waning, to some degree, with the substantive matter of the bill rather than the procedure which should be before us.

I would hope, in casting a vote today on the question of germaneness, each of my colleagues will resolve in his own mind that whatever position he takes is a firm one that will be carried forth hereafter without regard to the substance of the particular bill being presented. By the very standard which the gentleman from Northumberland, Senator Kury, has asked us to abide, the deliberateness of this Body will only be measured by our consistency when dealing with issues apart from the emotions of the moment. I do not believe we have established a precedent for that in the last two or three years, certainly with regard to this question.

While I personally am supportive of the substantive matter, I will again, procedurally, vote that this is not germane because I think we erred when we made the contrary decision a few months ago.

And the question recurring,

Are the amendments germane to the original bill?

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

YEAS—7

Dwyer, Early,	Mellow, Nolan,	Schaefer, Stapleton,	Stout,
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NAYS—36

Andrews, Bell, Coppersmith, Corman, Dougherty, Duffield, Fumo, Gekas, Gurzenda,	Hess, Holl, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch,	Manbeck, McCormack, McKinney, Messinger, Moore, Murray, Noszka, O'Pake, Orlando,	Reibman, Romanelli, Ross, Scanlon, Smith, Snyder, Stauffer, Tilghman, Zemprelli,
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So the question was determined in the negative, and the amendments were ruled not germane to the original bill.

And the question recurring,

Will the Senate agree to the bill on third consideration?

REQUEST FOR BILL OVER IN ORDER

Senator MESSINGER. Mr. President, I request that House Bill No. 1855 go over in its order.

The PRESIDENT. Without objection, House Bill No. 1855 will go over in its order.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1875 (Pr. No. 2298) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli.
Gurzenda,	McCormack,		

NAYS—0

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

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

HB 1934 (Pr. No. 2519) — 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,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Coppersmith,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dougherty,	Kelley,	Nolan,	Stapleton,
Duffield,	Kury,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Gurzenda,	McCormack,		

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.

SB 1454 CALLED UP

SB 1454 (Pr. No. 1846) — Without objection, the bill, which previously went over in its order temporarily, was called up,

from page 7 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1454 (Pr. No. 1846) — Considered the third time,

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

Amend Bill, page 2, by inserting between lines 10 and 11:

Section 2. Section 804 of the act is amended by adding a subsection to read:

Section 804. Types of Savings Contracts.—***
(c) The savings accounts in any association which is insured by the Pennsylvania Savings Association Insurance Corporation shall be subject to the limitation that earnings on savings accounts shall not be in excess of that permitted to be paid by any Pennsylvania chartered savings association insured by the Federal Savings and Loan Insurance Corporation, except that installment accounts shall not be subject to this limitation.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting: 3

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

Amend Sec. 4, page 2, line 26, by striking out "4" and inserting: 5

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 ZEMPRELLI.

MEETING OF THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator MESSINGER. Mr. President, at this time I request a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations at the rear of the Senate Chamber. It will take only a few minutes.

The PRESIDENT. The members of the Committee on Rules and Executive Nominations are asked to please report to the Rules Committee meeting room for a very, very brief meeting.

The Senate will be at ease—not in recess and not adjourned, but at ease—while we await the return of the members of the Committee on Rules and Executive Nominations.

(The Senate was at ease.)

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

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

MEMBER OF THE PENNSYLVANIA CRIME COMMISSION

March 1, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1978, for the reappointment of Bernard L. Siegel, Esquire, 409 East 36th Street, Erie 16504, Erie County, Forty-ninth Senatorial District, as a member of the Pennsylvania Crime Commission, to serve for a term of two years, and until his successor is appointed and qualified.

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

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR VETERANS' CHILDREN

June 12, 1978

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 28, 1978 for the appointment of Theodore J. Foose, 828 Broad Street, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified, vice Doctor Ruth Miller Steese, Mifflinburg, resigned.

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

MILTON J. SHAPP.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBERS OF HAZARDOUS SUBSTANCES TRANSPORTATION BOARD

June 5, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Hazardous Substance Transportation Board:

Gerald F. Hagerty (Private Carrier by Motor Vehicle), 129 Norman Way, Erie 16508, Erie County, Forty-ninth Senatorial District, to serve until March 7, 1984, and until his successor is appointed and qualified.

Edwin A. Robb (Fire Services of the State), 434 Clarmont Road, Springfield 19064, Delaware County, Twenty-sixth

Senatorial District, to serve until April 12, 1984, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF WOODVILLE STATE HOSPITAL

June 5, 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. Virginia Stratton, 821 Madison Avenue, East Pittsburgh 15112, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January 1983, and until her successor is appointed and qualified, vice Mrs. Elizabeth S. Stern, Pittsburgh, resigned.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF CHEYNEY STATE COLLEGE

June 8, 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 Edna B. McKenzie, Ph.D., 7926 Chaske Street, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified, vice George E. Branch, Harrisburg, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 13, 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 William H. Conway, 2330 Benson Avenue, Pittsburgh 15216, Allegheny County, Forty-second Senatorial District, for appointment as District Justice of the Peace in and for the County of Allegheny, Class 2, District 38, to serve until the first Monday of January, 1980, vice Myles E. Gillingham, Pittsburgh, resigned.

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.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consid-

eration 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—46

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED
ON SECOND CONSIDERATION AMENDED

HB 920 (Pr. No. 3381) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MESSINGER offered the following amendments:

Amend Title, page 1, line 15, by inserting after "transcripts"; and

Amend Title, page 1, line 16, by inserting a period after "complaints"

Amend Title, page 1, lines 16 and 17, by striking out "and providing for" in line 16 and all of line 17

Amend Sec. 7, page 8, line 1, by inserting after "act";, repealed in part April 28, 1978 (No. 53),

Amend Sec. 7 (Sec. 7), page 8, lines 15 through 24, by striking out "and for this" in line 15, all of lines 16 through 23, "for witnesses which witness" in line 24 and inserting: . Witness

Amend Sec. 8, page 8, line 28, by inserting after "705"; and subsections (b) and (c) repealed April 28, 1978 (No. 53)

Amend Sec. 8 (Sec. 8), page 8, line 29, by inserting brackets before and after "(a)"

Amend Sec. 8 (Sec. 8), page 9, lines 21 through 30; page 10, lines 1 through 9, by striking out all of said lines on said pages

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 MESSINGER.

BILL REREPORTED FROM COMMITTEE AS AMENDED
OVER IN ORDER

SB 1056 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS OVER IN ORDER

HB 190 and 489 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 664 (Pr. No. 1300) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

HB 792 (Pr. No. 3347) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MELLOW offered the following amendments:

Amend Title, page 1, line 7 by striking out "and" where it appears the second time and inserting a comma

Amend Title, page 1, line 8 by removing the period after "fees" and inserting: and providing for the appointment and term of office of the Executive Director.

Amend Bill, page 4, by inserting between lines 3 and 4:

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

Section 251.2. Appointment and Term of Office of Executive Director.—The term of the incumbent Executive Director shall expire ninety days after the effective date of this act. Thereafter the Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice of a majority of the members elected to the Senate, appoint the executive Director, who shall serve at the pleasure of the Governor.

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

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, basically these amendments vacate the office of Executive Director of the Fish Commission within ninety days and, within that period of time, the Governor would make a nomination for Executive Director of the Fish Commission and have the Senate confirm that particular individual.

The reason behind these amendments is really two-fold: Number one, we have absolutely no control today over the budgets of either the Game Commission or the Fish Commission. Number two, it has been brought to my attention that the indi-

viduals who serve in the capacities of Executive Directors of both commissions; their salaries are in excess of \$40,000 per year.

Finally, Mr. President, to the best of my knowledge, with the research I have been able to do, the Pennsylvania Sports Federation has taken no position as to whether these gentlemen should or should not be confirmed. It is with this in mind and in order that we, as Members of the Senate, would have more control over what takes place, in this particular case, the Fish Commission I would ask for an affirmative vote on these amendments.

Senator DWYER. Mr. President, I am not aware of any complaints regarding the current operation of the Pennsylvania Fish Commission or Pennsylvania Game Commission. These commissions are funded entirely from the license fees paid by hunters, fishermen and others, and also by a return of the Federal Excise Tax coming back to Pennsylvania on a portion of the hunting and fishing equipment that these hunters and fishermen in Pennsylvania purchase.

Mr. President, I would urge a "no" vote and ask for a roll call.

Senator MELLOW. Mr. President, the gentleman from Crawford, Senator Dwyer, indicated he was not aware of any complaints. If he would spend some time in my office next week, I will show him a lot of them.

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

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

YEAS—29

Coppersmith,	Lewis,	Moore,	Ross,
Duffield,	Lynch,	Murray,	Scanlon,
Early,	Manbeck,	Nolan,	Schaefer,
Fumo,	McCormack,	Noszka,	Smith,
Guزندا,	McKinney,	Orlando,	Stapleton,
Holl,	Mellow,	Reibman,	Stout,
Kelley,	Messinger,	Romanelli,	Zemprelli,
Kury,			

NAYS—12

Andrews,	Dougherty,	Hess,	Kusse,
Bell,	Dwyer,	Howard,	Snyder,
Corman,	Gekas,	Jubelirer,	Stauffer,

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

The PRESIDENT. House Bill No. 792 will go over, as amended.

BILLS REREFERRED

HB 953 (Pr. No. 3364) and SB 980 (Pr. No. 1101) — Upon motion of Senator MESSINGER, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 983 (Pr. No. 1113) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1053, HB 1063, SB 1147, 1266, 1384 and 1415 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

SB 1427 (Pr. No. 1805), SB 1434 (Pr. No. 1940), SB 1436 (Pr. No. 1815) and SB 1446 (Pr. No. 1961) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1460 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 1481 (Pr. No. 1945) — The bill was considered.

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MESSINGER. Mr. President, I move that Senate Bill No. 1481 revert to the form it was in under Printer's No. 1883.

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

Senator MANBECK. Mr. President, I rise to oppose the motion to revert to the prior printer's number. My reason is that I believe the Legislature should not give up its prerogative in requiring different State organizations from coming back to the Legislature to get approval and to obligate the State of Pennsylvania by selling bonds. We have a very good example of that happening in the Department of Transportation where they have sold bonds to the extent that the department is almost unable to function properly.

The Pennsylvania Turnpike Commission has made a request, through a bill which has been introduced here, to construct or reconstruct sections of the highway by selling bonds to finance those projects. I have no objection to that and I do not believe anybody else has objections to upgrading the Pennsylvania Turnpike. It is one of the safest highways in the Nation. I do not believe that we, as a Body, should give up that responsibility to say to those men, who have been appointed by the Governor, who obligate the Commonwealth of Pennsylvania by doing so, probably reducing the rating that is given to the State by various institutions for the sale of bonds, thereby raising the cost of interest, being a very costly matter to the State of Pennsylvania on other funding issues.

Therefore, I request that all my colleagues vote against the motion to revert to the prior printer's number.

Senator BELL. Mr. President, I support the gentleman from Lebanon, Senator Manbeck.

Mr. President, this is a situation where a commission of non-elected commissioners wants to issue bonds that will mortgage the future of even your children's lives, because these are long-term bonds.

If you will look at the commission, there are five people on the commission; there is a vacancy, there is a man whose term has expired, a third man who is the Secretary of Transportation, who has resigned and will not be on the commission after June 30th.

Mr. President, I do not believe that this Senate and the House of Representatives should give carte blanche to any commission—and especially this commission—to mortgage the future of Pennsylvania without the consent of this Body.

In the times that the Turnpike Commission has come to this Body and asked concurrence and approval of their bond issues, we have never denied a bona fide request, I say this, Mr. President, let us remain the watchdogs of the people and do not give a commission of nameless, faceless people, who may not be there tomorrow and who are not responsive to the electorate, the power to mortgage Pennsylvania's future.

And the question recurring,
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—16

Duffield,	McCormack,	Noszka,	Ross,
Fumo,	Messinger,	O'Pake,	Scanlon,
Kelley,	Murray,	Orlando,	Smith,
Lynch,	Nolan,	Romanelli,	Zemprelli,

NAYS—26

Andrews,	Gekas,	Kusse,	Schaefer,
Bell,	Gurzenda,	Lewis,	Snyder,
Coppersmith,	Hess,	Manbeck,	Stapleton,
Corman,	Holl,	Mellow,	Stauffer,
Dougherty,	Howard,	Moore,	Stout,
Dwyer,	Jubelirer,	Reibman,	Tilghman,
Early,	Kury,		

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.
Ordered, To be transcribed for a third consideration.

**WIFE AND FAMILY OF
SENATOR MICHAEL P. SCHAEFER
PRESENTED TO SENATE**

The PRESIDENT. Before we proceed with the remaining bills, does Senator Schaefer wish to introduce the youngest person I have seen in the gallery in seven and a half years of presiding in the Senate of Pennsylvania?

Senator SCHAEFER. Thank you, Mr. President.

It does give me great pleasure to introduce the youngest Democrat in the Thirty-seventh Senatorial District, my new son, Michael Benjamin, and my wife, Karen.

I would appreciate the Senate extending to them its usual warm welcome.

The PRESIDENT. They are always welcome.
(Applause.)

The PRESIDENT. How old is Michael, Senator?

Senator SCHAEFER. Three months, Mr. President.

The PRESIDENT. That is good. We want to record that for posterity in the record of the Senate of Pennsylvania.

Senator LEWIS. Mr. President, on this special order of business, let me issue something by the way of a challenge to the gentleman from Allegheny, Senator Schaefer, inasmuch as when he came to the Senate he displaced me as the youngest Member of the Senate and he has continued in that line with his most recent accomplishment.

Let me call to the gentleman's attention, and the Members may well remember, on Inauguration Day, in January 1975, my son, at that point, was barely four months old, had the distinction of sleeping here on the floor of the Senate. He was so impressed with what his father was doing. I suppose the gentleman has a month or so in which to get him from the gallery down here to the floor.

Senator SCHAEFER. Mr. President, if I may, based upon some of the sounds that I have heard emanating from the balcony, my son may not be sleeping but he certainly is active.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

HB 1684 (Pr. No. 2684) and HB 1685 (Pr. No. 2685)
Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1838 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1841 (Pr. No. 3133) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator MELLOW offered the following amendments:

Amend Title, page 1, line 5, by inserting a comma after "fees"

Amend Title, page 1, line 5, by striking out "AND"

Amend Title, page 1, line 5, by removing the period after "PENALTIES" and inserting: and further providing for the appointment and term of office of the executive director and making an editorial change.

Amend Bill, page 1, by inserting between lines 7 and 8:

Section 1. Section 205, act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," is amended to read:

Section 205. Executive Director, Duties, and Powers.—[The commission shall select a competent person to be known as the executive director, who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission. He shall remain such during the pleasure of the commission, and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth.] The term of the incumbent executive director shall expire ninety days after the effective date of this act. Thereafter the Governor shall in accordance with the provisions of the Constitution of the Commonwealth of Pennsyl-

vania and, by and with the advice and consent of a majority of the members elected to the Senate, appoint the executive director, who shall serve at the pleasure of the Governor. The executive director shall be the chief administrative officer of the commission and shall have charge of all activities under the jurisdiction of the commission. The executive director shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth.

No member of the commission, nor anyone who has served as a member thereof within one year, shall be eligible for [selection] appointment as executive director.

The executive director shall be the Chief Game Protector, and shall have charge of, direct, supervise, and control all other game protectors and employes of the commission. The compensation of the director shall be fixed by the commission. The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office.

The director shall occupy, as his permanent headquarters, the rooms assigned to the commission and shall be supplied, from time to time, by the Department of [Property and Supplies] General Services, such furniture, equipment, and office supplies as may be necessary for the use of the commission.

The director shall have authority to have printed the biennial report of the commission, and such bulletins, literature, posters, and other printing as may be necessary to the work of the commission, including the magazine known as Pennsylvania Game News, the subscription rates of which shall be fixed by the commission from time to time. Such publication shall at all times be maintained as a nonpartisan publication.

Amend Sec. 1, page 1, line 8, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, line 8, by removing the comma after "610" and inserting: of the

Amend Sec. 1, page 1, lines 8 and 9, by striking out "of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law." "

Amend Sec. 2, page 3, line 20, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, this, basically, is the same thing we did with the Fish Commission.

Senator STAUFFER. Mr. President, although these amendments are fundamentally the same as the amendments on which we previously voted, the language in it is much clearer than the previous amendments. I would suggest that, after a little debate, the Chair might wish to see if some of the Members would like to change their votes because the language in these amendments clearly points out that the Game Commission will not have the right to choose its Executive Director.

To my knowledge, Mr. President, although I am not an authority with the sportsmen, my knowledge has been that, through the years, the Executive Director of the Game Commission has been one who was fully acceptable to the sportsmen of Pennsylvania and one in whom they had some voice in selecting. It would appear that these amendments clearly would remove a person from his position who has been supported by the sportsmen of the Commonwealth and take away

their opportunity to the kind of input they have had in the past.

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—32

Bell,	Kelley,	Messinger,	Ross,
Coppersmith,	Kury,	Moore,	Scanlon,
Duffield,	Lewis,	Murray,	Schaefer,
Early,	Lynch,	Nolan,	Smith,
Fumo,	Manbeck,	Noszka,	Stapleton,
Gurzenda,	McCormack,	Orlando,	Stout,
Hankins,	McKinney,	Reibman,	Sweeney,
Holl,	Mellow,	Romanelli,	Zemprelli,

NAYS—12

Andrews,	Dwyer,	Howard,	Snyder,
Corman,	Gekas,	Jubelirer,	Stauffer,
Dougherty,	Hess,	Kusse,	Tilghman,

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

The PRESIDENT. House Bill No. 1841 will go over, as amended.

BILLS ON SECOND CONSIDERATION

HB 1888 (Pr. No. 2318) and HB 1926 (Pr. No. 2370) — Considered the second time and agreed to, Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER

HB 1964 (Pr. No. 3317) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator SMITH. Mr. President, I move that House Bill No. 1964 revert to the form it was in under Printer's No. 2735.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. House Bill No. 1964 will revert to Printer's No. 2735 and will go over in its order.

BILL ON SECOND CONSIDERATION

HB 2462 (Pr. No. 3196) — Considered the second time and agreed to, Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator MCKINNEY, from the Committee on State Government, reported, as committed, **HB 1718**.

Senator LEWIS, from the Committee on Local Government, rereported, as amended, **HB 263**; reported, as committed, **SB**

448, 1360, HB 225, 1187, 1220 and 1823; as amended, HB 198 and 1572.

BILL REREFERRED

Senator MCKINNEY, from the Committee on State Government, returned to the Senate HB 1859, which was rereferred to the Committee on Environmental Resources.

SENATE RESOLUTIONS

SENATE BIPARTISAN COMMITTEE TO INVESTIGATE FEASIBILITY AND DESIRABILITY OF DOG RACING IN PENNSYLVANIA

Senators ROMANELLI, HANKINS, GURZENDA, MANBECK, JUBELIRER and MCKINNEY offered the following resolution (Serial No. 107), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 13, 1978.

WHEREAS, Fourteen states presently permit dog racing and state regulated wagering on the outcome of dog races; and

WHEREAS, Such states have apparently found dog racing to be a viable method of raising state revenues and capable of being operated consistent with the health and safety of persons and animals involved therewith; and

WHEREAS, Legislation has been introduced in the General Assembly this session and in previous sessions to allow dog racing and wagering thereon in this Commonwealth; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a five-member bipartisan Senate committee, three from the majority and two from the minority, for the purpose of investigating the feasibility and desirability of allowing dog racing and the wagering on the outcome of dog races in Pennsylvania; 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 shall report its findings together with its recommendations for appropriate legislation, or otherwise, to the Senate as soon as possible.

REQUESTING PENNSYLVANIA STATE POLICE POSTPONE JUNE 1978 RECRUIT TRAINING CLASS UNTIL SPECIAL SENATE COMMITTEE HAS REVIEWED QUALIFICATIONS AND BACKGROUNDS OF APPLICANTS

Senators OPAKE, MESSINGER, SMITH, KELLEY, SCHAEFER, ORLANDO, NOLAN, FUMO, STAPLETON, ZEMPRELLI, EARLY, GURZENDA, SWEENEY, SCANLON and ROSS offered the following resolution (Serial No. 108), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 13, 1978.

WHEREAS, The Pennsylvania State Police is about to conduct another recruit training class. It is to begin June 22, 1978; and

WHEREAS, The Background Investigation Screening Board decides which applicants are accepted or rejected. It apparently does not have written or objective guidelines to apply in making its determinations.

WHEREAS, Much controversy has arisen concerning the qualifications and background of several applicants who are alleged to have prior criminal records; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a special committee consisting of seven members, four from the majority party and three from the minority party to review the qualifications and background of the applicants accepted for admission to the June 22, 1978 class and to determine guidelines for the Background Investigating Screening Board; and be it further

RESOLVED, That the Pennsylvania State Police postpone the beginning of the June 22, 1978 class and freeze the appropriation for such purpose until the special committee has completed its review of the qualifications and background of the applicants.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to David S. Landes by Senator Fumo.

Congratulations of the Senate were extended to PennAg Industries Association by Senator Snyder.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey Allison Byers by Senator Zemprelli.

Congratulations of the Senate were extended to Mr. and Mrs. Chester Bonsell by Senator Lewis.

Congratulations of the Senate were extended to Carl A. Sherry by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Trout by Senator Gekas.

Congratulations of the Senate were extended to John C. Whitmore by Senator Dwyer.

Congratulations of the Senate were extended to Mr. and Mrs. David Showers Richard by Senator Corman.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Joseph H. Orr by Senator Jubelirer.

BILLS ON FIRST CONSIDERATION

Senator ANDREWS. 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 448, 951, 1022, 1295, 1360, 1519, HB 198, 225, 1187, 1220, 1572, 1718, 1823, 2301 and 2302.

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

PETITIONS AND REMONSTRANCES

Senator MESSINGER. Mr. President, I would like to submit for the record two letters concerning the use of studded tires on school buses.

The PRESIDENT. These will appear in the Senate Journal.

(The following letters were made a part of the record at the request of the gentleman from Lehigh, Senator MESSINGER.)

LEIBENSPERGER SCHOOL TRANSPORTATION, INC.
East Texas, Pennsylvania 18046

To Whom it may concern:

I am a school bus driver responsible for the lives of 70 children on my bus. I cannot understand why a government which always presses for bus safety standards would consider prohibiting studded snow tires on my bus. They are one of our most important safety features.

My run is along a shaded country road. Mountain springs periodically flow across it and cause ice patches. Some mornings heavy dew freezes on the road without warning. Some days I leave the bus lot and the roads are dry, but by the time I have picked up the children a freezing rain sweeps in. The four studded tires on the rear of my bus provide sufficient traction to get the children to or from school safely. Once you've started, you just can't stop along some icy road with a bus full of youngsters to put chains on.

By the way, our studded bus tires are used only in the cold months and are the new type which reduce road wear. Isn't a child's life worth this safety feature? Besides, I can't believe my safety-studded tires are causing as much road damage as severe weather and heavy winter salting.

Along with the Pennsylvania School Bus Association I must strongly object to any plan which does not allow using studded snow tires on school buses.

Charlotte Fritzen, Bus driver for:
Leibensperger School
Transportation, Inc.

LEIBENSPERGER SCHOOL TRANSPORTATION, INC.
East Texas, Pennsylvania 18046

April 14, 1977.

Representative Joseph Petrarca
Secretary House Transportation Committee
Main Capitol Building
Harrisburg, Pa. 17120

Dear Representative:

I am a school bus contractor in the State of Pennsylvania and am very much concerned about future elimination of studded snow tires.

I transport 10,000 students in the A.M. to school and same amount home at night. I have been using studded snow tires on the four rear tires of my school buses for many years. My drivers feel that with these studded tires they have that additional safety protection at all times, especially after they started their runs and we get freezing rain on the highways. The four

studded tires on rear of our school bus provide sufficient traction under these conditions to get our children home or to school safely.

I use the new controlled petrusion studs and that removal of these studded tires during the summer months eliminates 90% of any damage that could possibly be caused. As the roads are soft in the summer time.

Men from the highway department have assured me that salt and weather, but primarily salt causes 90% of road damage, so I feel PennDot should solve salt problems first in order to protect our roads and not blame all the damage due to studded tires.

So in order to preserve safer winter driving for school buses I am hoping you can support House Bill 519, Printer's No. 935 to allow studded tires during the winter months in Pennsylvania again.

Yours truly,
RAY A. LEIBENSPERGER, Pres.

COMMUNICATION FROM THE GOVERNOR**APPROVAL OF SENATE BILL**

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

SB 665.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, JUNE 14, 1978

11:30 A.M. LOCAL GOVERNMENT Room 168
(recessed meeting will reconvene to consider House Bill No. 2124)

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 14, 1978, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:05 p.m., Eastern Daylight Saving Time.