

Legislative Journal

MONDAY, JUNE 19, 1978

Session of 1978

162nd of the General Assembly

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SENATE

MONDAY, June 19, 1978.

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

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

PRAYER

The Chaplain, The Reverend Father JOSEPH A. KEARNEY, Pastor of St. Leo's Catholic Church, Ashley, offered the following prayer:

Lord God, we wish to live as loving neighbors to all mankind. Give us brotherly concern, that we may be one people that share the governing of the world under Your guiding purpose.

Lord God, You rule the ways of men, and govern every earthly government. Make every diplomat an agent of Your reconciliation, and every statesman an ambassador of hope. Lord God, give to those who make, administer, or defend our laws a love for justice, mercy, and truth.

May we never confuse our paper laws with the tablets of Your eternal will.

May our laws set men free for righteousness.

Almighty God, you have plans for us, and power to make them happen. Give to Legislators, executives, and government workers a knowledge of Your will for the world. Let them remember that they serve a public trust, beyond personal gain or glory.

May they see that no nation lives for itself alone, but is responsible to You for the well-being of all citizens.

O God, You are always forcing us to face decisions, so that in choosing, we will choose Your will. Now, we ask that You guide us. Amen.

The PRESIDENT pro tempore. The Chair wishes to thank Father Kearney, who is the guest this week of Senator Murray.

JOURNAL APPROVED

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

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

SENATOR MESSINGER TO VOTE FOR SENATOR ZEMPRELLI

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

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

COMMUNICATIONS FROM THE GOVERNOR SENATE BILL RETURNED WITHOUT APPROVAL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been returned without approval:

SB 190.

The PRESIDENT pro tempore. The communication and bill will be laid on the table.

APPROVAL OF SENATE BILLS

He also presented communications in writing from His Excellency, the Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 648 and 902.

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:

CORONER IN AND FOR THE COUNTY OF CAMBRIA

June 15, 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 William Barron, R. D. #3, Box 136, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for appointment as Coroner in and for the County of Cambria, to serve until the first Monday of January, 1980, vice Joseph Govekar, deceased.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 15, 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 D. Michael Stine, Esquire, 419 North Elizabeth Street, Tamaqua 18252, Schuylkill County, Twenty-ninth Senatorial District, for appointment as District Justice of the Peace in and for the County of Schuylkill, Class 3, District 03, to serve until the first Monday of January, 1980, vice John Rhubright, Tamaqua, resigned.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

June 19, 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 Ralph J. Cappy, Esquire, 1081 Shady Avenue, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, to serve until the first Monday of January 1980, vice Honorable J. Frank McKenna, Jr., P.J., Pittsburgh, retired.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

June 19, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph A. Del Sole, Esquire, 2427 Kings Lane, Upper St. Clair 15241, Allegheny County, Thirty-Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, to serve until the first Monday of January, 1980, vice Honorable Donald E. Ziegler, Pittsburgh, resigned.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

June 19, 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 Eugene B. Strassburger, III, Esq., 5780 Fifth Avenue, Apartment 1-B, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, to serve until the first Monday of January, 1980, vice Hon. Frederic G. Weir, Pittsburgh, retired.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA TURNPIKE
COMMISSION

June 19, 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 Thomas P. Dalnfonso, 26 Colonial Drive, Monessen 15062, Westmoreland County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until

June 4, 1983, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

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:

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

June 15, 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 June 12, 1978 for the appointment of 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.

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

MILTON J. SHAPP.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2515** and **2528**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 2069** and **2181**, which were referred to the Committee on Education.

He also presented for concurrence **HB 1652** and **2520**, which were referred to the Committee on Environmental Resources.

He also presented for concurrence **HB 1863**, which was referred to the Committee on Judiciary.

He also presented for concurrence **HB 2149**, which was referred to the Committee on Labor and Industry.

He also presented for concurrence **HB 2291**, which was referred to the Committee on Local Government.

He also presented for concurrence **HB 1249**, **1487**, **1702** and **1989**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 2108**, which was referred to the Committee on Urban Affairs and Housing.

HOUSE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

He also presented for concurrence House Concurrent Resolution No. **107**, which was referred to the Committee on Constitutional Changes and Federal Relations.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

He also informed the Senate that the House has adopted Reports of Committees of Conference on **HB 470** and **858**, which were placed on the Calendar.

He also informed the Senate that the House has adopted Report of Committee of Conference on **SB 964**.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 522**, **1042** and **1180**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 1364**, 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:

Recalling from the Governor **SB 190**.

BILLS SIGNED

The President pro tempore (Martin L. Murray) in the presence of the Senate signed the following bills:

SB 964 and **1364**.

REPORT FROM COMMITTEE

Senator **O'PAKE**, from the Committee on Judiciary, reported, as amended, **SB 1485**.

RECESS

Senator **MESSINGER**. Mr. President, I request a recess of the Senate until 4:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The **PRESIDENT** pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:00 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

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

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1698**, which was referred to the Committee on Local Government.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 967**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 1395**, **1743** and **1825**.

BILLS SIGNED

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

HB 1395, **1743** and **1825**.

REPORTS FROM COMMITTEES

Senator **ORLANDO**, by unanimous consent, from the Committee on Finance, rereported, as amended, **HB 217**.

Senator **SMITH**, by unanimous consent, from the Committee on Appropriations, reported, as committed, **HB 2454**, **2518** and **2528**; as amended, **HB 2514** and **2515**.

CALENDAR

SB 1471 CALLED UP OUT OF ORDER

SB 1471 (Pr. No. 1898) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator **MESSINGER**.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1471 (Pr. No. 1898) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

Duffield,	Kelley,	Nolan,	Stauffer,
Dwyer,	Kury,	Noszka,	Sweeney,
Early,	Kusse,	O'Pake,	Tilghman,
Fumo,	Lewis,	Orlando,	Wood,
Gekas,	Lynch,	Reibman,	Zemprelli,
Guizenda,	Manbeck,	Romanelli,	

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 bills to the House of Representatives for concurrence.

REQUEST FOR DEMOCRATIC CAUCUS

Senator MESSINGER. Mr. President, at this time I request a brief recess of the Senate for the purpose of a Democratic caucus to be held in the Rules Committee room.

The PRESIDENT. Without objection, the Members of the Democratic caucus are asked to report immediately to the Rules Committee room.

It will be a short meeting, as I understand it.

The Senate will be at ease.

(The Senate was at ease.)

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.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of James J. Stumpf, as a member of the Pennsylvania Fish Commission, which requires a two-thirds majority vote.

This nomination was previously laid on the table April 18, 1978.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA FISH COMMISSION

April 10, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Stumpf, Laurel Mountain Park, Laughlintown 15655, Westmoreland County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, District Two, to

serve until the second Tuesday of January, 1986, and until his successor is appointed and qualified.

MILTON J. SHAPP.

On the question,
Will the Senate advise and consent to the nomination?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of James S. Biery, Sr., as a member of the Pennsylvania Game Commission, which requires a two-thirds majority vote.

This nomination was previously laid on the table March 7, 1978.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

March 6, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James S. Biery, Sr., (District Eight), 835 Chew Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1985, and until his successor shall have been appointed and qualified, vice Edwin J. Brooks, Lansdale, whose term expired.

MILTON J. SHAPP.

On the question,
Will the Senate advise and consent to the nomination?

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

YEAS—31

Arlene,	Kelley,	Murray,	Scanlon,
Coppersmith,	Kury,	Nolan,	Schaefer,
Duffield,	Lewis,	Noszka,	Smith,
Early,	Lynch,	O'Pake,	Stapleton,
Fumo,	McCormack,	Orlando,	Stout,
Gekas,	McKinney,	Reibman,	Sweeney,
Guizenda,	Mellow,	Romanelli,	Zemprelli,
Hankins,	Messinger,	Ross,	

NAYS—18

Andrews,	Hager,	Jubelirer,	Snyder,
Bell,	Hess,	Kusse,	Stauffer,
Corman,	Holl,	Manbeck,	Tilghman,
Dougherty,	Hopper,	Moore,	Wood,
Dwyer,	Howard,		

Less than a two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.
 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
REPORTS OF COMMITTEES OF CONFERENCE

BILL RECOMMITTED TO COMMITTEE OF CONFERENCE

SB 94 (Pr. No. 1956) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee of Conference.

REPORT ADOPTED

SB 1204 (Pr. No. 1962) — Senator MESSINGER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 1204, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for diagnostic and evaluative psychological services for the benefit of children attending nonpublic schools in the Commonwealth.

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

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

YEAS—49

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

NAYS—0

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

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

HB 792 CALLED UP OUT OF ORDER

HB 792 (Pr. No. 3416) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 792 (Pr. No. 3416) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MOORE. Mr. President, I move that House Bill No. 792 revert to the form it was in under Printer's No. 3347, and ask for a roll call vote.

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

Senator MELLOW. Mr. President, I oppose the motion to revert to the prior printer's number.

Senator MOORE. Mr. President, I believe just a brief explanation might be in order as to why I have made the motion, if I may speak on the motion.

The amendment introduced by the gentleman from Lackawanna, Senator Mellow, which passed this Body last week amends a fish law bill.

The appointment of the Executive Director of the Fish Commission is covered under the Administrative Code, Section 2702, subsection (c), which gives the power and the duty to the Pennsylvania Fish Commission to appoint an Executive Director. Therefore, inadvertently, we have amended the wrong law with this amendment. That is the primary reason for my motion to revert to the prior printer's number.

Senator MELLOW. Mr. President, with all due respect to the statement just made by the gentleman from Perry, Senator Moore, I discussed this with the Legislative Reference Bureau prior to having the amendment drafted last week and this was the way they suggested, although they did say that it was in the Administrative Code. If there was a bill on there to amend the Administrative Code that is what they would have done. However, since there was not, this was their recommendation and they said they saw absolutely no problem with it.

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

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

YEAS—22

Andrews,	Hager,	Kury,	Snyder,
Bell,	Hess,	Kusse,	Stapleton,
Corman,	Holl,	Manbeck,	Stauffer,
Dougherty,	Hopper,	Moore,	Tilghman,
Dwyer,	Howard,	Reibman,	Wood,
Gekas,	Jubelirer,		

NAYS—27

Arlene,	Kelley,	Murray,	Scanlon,
Coppersmith,	Lewis,	Nolan,	Schaefer,

Duffield,	Lynch,	Noszka,	Smith,
Early,	McCormack,	O'Pake,	Stout,
Fumo,	McKinney,	Orlando,	Sweeney,
Guزندا,	Mellow,	Romanelli,	Zemprelli,
Hankins,	Messinger,	Ross,	

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—29

Arlene,	Kury,	Murray,	Scanlon,
Coppersmith,	Lewis,	Nolan,	Schaefer,
Duffield,	Lynch,	Noszka,	Smith,
Early,	McCormack,	O'Pake,	Stout,
Fumo,	McKinney,	Orlando,	Sweeney,
Guزندا,	Mellow,	Romanelli,	Wood,
Hankins,	Messinger,	Ross,	Zemprelli,
Kelley,			

NAYS—20

Andrews,	Gekas,	Howard,	Reibman,
Bell,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stapleton,
Dougherty,	Holl,	Manbeck,	Stauffer,
Dwyer,	Hopper,	Moore,	Tilghman,

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 1841 CALLED UP OUT OF ORDER

HB 1841 (Pr. No. 3418) — Without objection, the bill was called up out of order, from page 10 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1841 (Pr. No. 3418) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MOORE. Mr. President, I move that House Bill No. 1841 revert to the form it was in under Printer's No. 3133.

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

Senator MELLOW. Mr. President, I oppose the motion, basically for the same reasons given for House Bill No. 792. How-

ever, this particular bill does make the proper amendment according to the Legislative Reference Bureau which the gentleman from Perry, Senator Moore, indicated on his previous motion.

Mr. President, I wonder if the gentleman would accept the same roll call on the motion to revert to the prior printer's number as was given on House Bill No. 792.

Senator MOORE. Mr. President, I believe there will be some changes in the votes of our caucus on this bill. Therefore, I believe we should have another roll call.

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—20

Andrews,	Hager,	Jubelirer,	Reibman,
Corman,	Hess,	Kury,	Snyder,
Dougherty,	Holl,	Kusse,	Stapleton,
Dwyer,	Hopper,	Manbeck,	Stauffer,
Gekas,	Howard,	Moore,	Tilghman,

NAYS—29

Arlene,	Kelley,	Murray,	Scanlon,
Bell,	Lewis,	Nolan,	Schaefer,
Coppersmith,	Lynch,	Noszka,	Smith,
Duffield,	McCormack,	O'Pake,	Stout,
Early,	McKinney,	Orlando,	Sweeney,
Fumo,	Mellow,	Romanelli,	Wood,
Guزندا,	Messinger,	Ross,	Zemprelli,
Hankins,			

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—30

Arlene,	Kelley,	Murray,	Scanlon,
Bell,	Kury,	Nolan,	Schaefer,
Coppersmith,	Lewis,	Noszka,	Smith,
Duffield,	Lynch,	O'Pake,	Stout,
Early,	McCormack,	Orlando,	Sweeney,
Fumo,	McKinney,	Romanelli,	Wood,
Guزندا,	Mellow,	Ross,	Zemprelli,
Hankins,	Messinger,		

NAYS—19

Andrews,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stapleton,
Dougherty,	Holl,	Manbeck,	Stauffer,
Dwyer,	Hopper,	Moore,	Tilghman,
Gekas,	Howard,	Reibman,	

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.

REQUEST FOR RECONSIDERATION OF HB 792 AND HB 1841

Senator MOORE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 792, Printer's No. 3416, and House Bill No. 1841, Printter's No. 3418, just passed finally.

RECONSIDERATION OF 792

HB 792 (Pr. No. 3416) — Senator MOORE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 792, Printer's No. 3416, passed finally.

Senator HAGER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator MELLOW. Mr. President, I would like to ask for immediate reconsideration of House Bill No. 792.

The PRESIDENT. That request is not in order, Senator.

MOTION THAT BILL BE LAID ON THE TABLE

Senator HAGER. Mr. President, I move that House Bill No. 792 be laid on the table.

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

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Cambria, Senator Coppersmith, will state it.

Senator COPPERSMITH. Mr. President, we were going to request a roll call vote on the motion to reconsider the vote by which the two bills passed.

The PRESIDENT. Let us be at ease for just a minute.

(The Senate was at ease.)

The PRESIDENT. That decision has already been made, Senator. The question now before the Senate is,

Will the Senate agree to the motion to table the bill?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, would the motion to table be preempted by a motion for the immediate reconsideration of the bill?

The PRESIDENT. We will be at ease for just a moment.

(The Senate was at ease.)

The PRESIDENT. It would not, Senator. Immediate consideration is, in effect, the main question which is, will the Senate proceed to pass the bill? On our tables of order, laying on the table precedes that. Therefore, at the moment, the issue before the Senate is, will the Senate agree to lay the bill on the table?

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

The PRESIDENT. I am sure you will get that, Senator.

Senator McCORMACK. Mr. President, I believe the gentleman from Lycoming, Senator Hager, was premature in asking that the bill be laid upon the table. When we voted to reconsider the vote, the question was never put by the Chair, will the Senate agree to the bill on third consideration? Before he makes a motion to table, we must have that question.

Belatedly, Mr. President, the Chair did state, through the gentleman from Westmoreland, Senator Kelley, that that question was before the Senate, but I believe it was never actually put.

Therefore, Mr. President, I would ask that the question again be put.

The PRESIDENT. We will be at ease for just a moment.

(The Senate was at ease.)

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

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

YEAS—21

Andrews,	Hager,	Jubelirer,	Snyder,
Bell,	Hess,	Kusse,	Stapleton,
Corman,	Holl,	Manbeck,	Stauffer,
Dougherty,	Hopper,	Moore,	Tilghman,
Dwyer,	Howard,	Reibman,	Wood,
Gekas,			

NAYS—28

Arlene,	Kelley,	Messinger,	Ross,
Coppersmith,	Kury,	Murray,	Scanlon,
Duffield,	Lewis,	Nolan,	Schaefer,
Early,	Lynch,	Noszka,	Smith,
Fumo,	McCormack,	O'Pake,	Stout,
Gurzenda,	McKinney,	Orlando,	Sweeney,
Hankins,	Mellow,	Romanelli,	Zemprelli,

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

And the question recurring,
Shall the bill pass finally?

Senator KELLEY. Mr. President, if there is no objection, I would ask if we could have the same roll call as we had in the first instance in the attempted passage of this bill.

The PRESIDENT. Earlier this afternoon—I have forgotten exactly when—the Senate considered House Bill No. 792. The vote was 29 to 20. Does any Member wish to change his or her vote from that earlier vote?

Senator MOORE. Mr. President, it was my understanding that when the Chair considered my motion to reconsider the vote by which the bill passed, he took a voice vote. It was my understanding that the Chair instructed the gentleman from Lackawanna, Senator Mellow, that the question of immediate consideration had already been decided and normally the bill would go over in its order.

The PRESIDENT. No, Senator. The question recurs and generally the bill would go over in its order unless there was some action taken on it.

For the information of Senator Moore, our Rules provide for two reconsiderations. If this bill passes now, the Senator has five legislative days to take one more shot at it. I do not know whether I would recommend blowing it this afternoon or not, Senator.

Senator MOORE. In that case, Mr. President, I will accept the same vote by which the bill passed.

The PRESIDENT. Does any Member wish to vote differently than they voted earlier this afternoon on House Bill No. 792?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, the Chair made a statement that this vote could be reconsidered a second time. As a point of order, is that not true only if this Senate still has custody of the bill?

The PRESIDENT. That is correct, Senator.

Senator BELL. Thank you, Mr. President.

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—29

Arlene,	Kury,	Murray,	Scanlon,
Coppersmith,	Lewis,	Nolan,	Schaefer,
Duffield,	Lynch,	Noszka,	Smith,
Early,	McCormack,	O'Pake,	Stout,
Fumo,	McKinney,	Orlando,	Sweeney,
Gurzenda,	Mellow,	Romanelli,	Wood,
Hankins,	Messinger,	Ross,	Zemprelli,
Kelley,			

NAYS—20

Andrews,	Gekas,	Howard,	Reibman,
Bell,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stapleton,
Dougherty,	Holl,	Manbeck,	Stauffer,
Dwyer,	Hopper,	Moore,	Tilghman,

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 the concurrence of the House is requested.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, at the time the Chair ruled on House Bill No. 792, it is my recollection that the motion to reconsider the bills was made for both House Bill No. 792 and House Bill No. 1841.

The PRESIDENT. Let me point this out: If someone wants to proceed on House Bill No. 1841 and go through the same process, this Chair will entertain that. However, I split that motion very clearly. You cannot consider two bills at one time on the same motion. If Senator Moore wishes to proceed now to reconsider House Bill No. 1841 and someone wishes to table and someone else wishes to pass it again, I will entertain those motions. However, that has not been before us.

Senator HAGER. Thank you, Mr. President. I believe the gentleman from Perry, Senator Moore, would like to make that motion. If he does not, while I have the microphone, I will make that motion for him.

RECONSIDERATION OF HB 1841

HB 1841 (Pr. No. 3418) — Senator MOORE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1841, Printer's No. 3418, passed finally.

Senator HAGER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator MELLOW. Mr. President, I ask for a roll call vote on the question.

MOTION THAT BILL BE LAID ON THE TABLE

Senator HAGER. Mr. President, I move that House Bill No. 1841, Printer's No. 3418 be laid on the table.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—19

Andrews,	Hager,	Jubelirer,	Snyder,
Corman,	Hess,	Kusse,	Stapleton,
Dougherty,	Holl,	Manbeck,	Stauffer,
Dwyer,	Hopper,	Moore,	Tilghman,
Gekas,	Howard,	Reibman,	

NAYS—29

Arlene,	Kelley,	Messinger,	Ross,
Bell,	Kury,	Murray,	Scanlon,

Coppersmith, Duffield, Early, Fumo, Gurzenda, Hankins,	Lewis, Lynch, McCormack, McKinney, Mellow,	Nolan, Noszka, O'Pake, Orlando, Romanelli,	Schaefer, Smith, Stout, Sweeney, Zemprelli,
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So the question was determined in the negative, and the motion was defeated.

And the question recurring,
Shall the bill pass finally?

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

YEAS—30

Arlene, Bell, Coppersmith, Duffield, Early, Fumo, Gurzenda, Hankins,	Kelley, Kury, Lewis, Lynch, McCormack, McKinney, Mellow, Messinger,	Murray, Nolan, Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stout, Sweeney, Wood, Zemprelli,
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NAYS—19

Andrews, Corman, Dougherty, Dwyer, Gekas,	Hager, Hess, Holl, Hopper, Howard,	Jubelirer, Kusse, Manbeck, Moore, Reibman,	Snyder, Stapleton, Stauffer, Tilghman,
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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 with amendments in which the concurrence of the House is requested.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, still state it.

Senator MELLOW. Mr. President, how many more times may House Bill No. 792 and House Bill No. 1841 be reconsidered?

The PRESIDENT. Once each, Senator.

Senator MELLOW. If it is then reconsidered and defeated, Mr. President, it would go on to the House?

The PRESIDENT. It will routinely go on to the House at a reasonable hour tomorrow, as we normally do, unless I am asked to hold it. Once it is down, it is just down. There will be no parliamentary way to reconsider it, Senator.

RECONSIDERATION OF HB 792

HB 792 (Pr. No. 3416) — Senator MELLOW. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 792, Printer's No. 3416, passed finally.

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

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—29

Arlene, Coppersmith, Duffield, Early, Fumo, Gurzenda, Hankins, Kelley,	Kury, Lewis, Lynch, McCormack, McKinney, Mellow, Messinger,	Murray, Nolan, Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stout, Sweeney, Wood, Zemprelli,
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NAYS—20

Andrews, Bell, Corman, Dougherty, Dwyer,	Gekas, Hager, Hess, Holl, Hopper,	Howard, Jubelirer, Kusse, Manbeck, Moore,	Reibman, Snyder, Stapleton, Stauffer, Tilghman,
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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 with amendments in which the concurrence of the House is requested.

RECONSIDERATION OF HB 1841

HB 1841 (Pr. No. 3418) — Senator MELLOW. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1841, Printer's No. 3418, passed finally.

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

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—30

Arlene, Bell, Coppersmith, Duffield, Early, Fumo, Gurzenda, Hankins,	Kelley, Kury, Lewis, Lynch, McCormack, McKinney, Mellow, Messinger,	Murray, Nolan, Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stout, Sweeney, Wood, Zemprelli,
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NAYS—19

Andrews, Corman, Dougherty, Dwyer, Gekas,	Hager, Hess, Holl, Hopper, Howard,	Jubelirer, Kusse, Manbeck, Moore, Reibman,	Snyder, Stapleton, Stauffer, Tilghman,
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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 with amendments in which the concurrence of the House is requested.

SB 1438 CALLED UP OUT OF ORDER

SB 1438 (Pr. No. 1975) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1438 (Pr. No. 1975) — 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 EARLY. Mr. President, I rise to speak in favor of Senate Bill No. 1438. I wish to emphasize that this legislation is a constitutional change which will require that the people of Pennsylvania have an opportunity to vote on this legislation.

Basically, Mr. President, what I am saying is, we in the Senate today will be giving the people of Pennsylvania an opportunity to determine a major tax reform concerning their property tax.

Mr. President, there is absolutely no doubt in anyone's mind that we must have property tax reform in Pennsylvania. I say this without anyone disagreeing with this statement on the floor of the Senate.

There is no way, Mr. President, we can continue to increase the property tax for the constituents of Pennsylvania. Their taxes have increased to a point where many of them are forced to sell the homes they have lived in for the greatest portion of their lives.

It is no secret, Mr. President, that this especially is hitting the senior citizens in our State. If we were to take a poll, I am sure we would find the property tax is probably the number one issue concerning our constituents.

To get this type of property tax reform, Mr. President, I discovered that we must change the Constitution as it is currently stated. The Constitution, Mr. President, states: "All taxes shall be uniform, upon the same classes of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws."

I would like to add, Mr. President, to this language "For the purpose of levying taxes under general laws, and taxing authority having the power to levy real property tax 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 having the power to levy real property taxes upon each class of real property classified by its use shall be uniform"—and I think this is important here, Mr. President, it must be uniform within the class. "Any taxing authority having the power to levy real property taxes

shall have the authority to impose different real property tax rates upon the classes of real property."

You will notice, Mr. President, I have emphasized throughout my amendment, real property, real property, real property.

There have been some who have been concerned about the fact that I am opening the door for a graduated income tax. I assure you, Mr. President, this was not my concern and I emphasize in this particular amendment, that we do say "real property."

Another amendment that was included which I think is important is a provision that states: "The provisions of this section relating to the taxation of real property in accordance with its use shall not apply until"—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."

That was put in there, Mr. President, because I believe we, as elected officials, should have an opportunity to state what type of reform it should be.

It is no secret, Mr. President, that Proposition 13 passed in California. What will happen to that state is yet to be determined. It is liable to be a good piece of legislation for that state and it is liable to be devastating. It depends on whom you talk to; they will tell you their feelings. But, truthfully, Mr. President, I do not really think the jury is in as to what will happen to the State of California because of Proposition 13.

One thing that will happen, Mr. President, without any question, is the fact that senior citizens, especially in the State of California will have their property tax reduced which, I think, is also imminent in our State.

Mr. President, California was faced with the same constitutional question as we are in our State. California had the Uniformity Clause and when they reduced the property tax, as they did, by approximately sixty per cent, they reduced the property tax for all business and commercial establishments by the same sixty per cent. Perhaps this is what the Senate of Pennsylvania would like to do and I certainly would not question that. However, perhaps, this is not what the Senate would like to do and, that being the case, I believe the Senate of Pennsylvania should have an opportunity to state that.

All I am asking, in this particular amendment, Mr. President, is to change the Uniformity Clause. It is going to take two Sessions of the Legislature to change this Uniformity Clause.

Fortunately, Mr. President, if we do act tonight we could have this changed by the Primary Election of next year. If we pass it tonight and pass it on to the House, they in turn could vote it this week and we then could vote it again in January when we return for another Session. If we vote it in January, the bill then, Mr. President, would be in a position to go to the voters in the next Primary Election.

The provision, as I indicated and as I must emphasize, Mr. President, is to give the people a choice when we give them the opportunity to vote.

Mr. President, there are some who have expounded some fears that what I have tried to do is relieve property tax on individual homeowners and put that tax on business. I assure you, Mr. President, with this particular constitutional amendment,

this is not my purpose. I have indicated that by introducing other legislation such as Senate Bill No. 1271, where I have stated in that bill that any property tax relief we give to the individual homeowner should be made up by an income tax on that individual homeowner or what have you.

There is no way, Mr. President, I have indicated or that I desire that we take any tax relief from the individual homeowner and say to industry, "Now, you absorb it." That will only chase industry out of our State which means no jobs for our people.

I have taken the step, Mr. President, to assure the Members it is not my desire by introducing legislation—and politicians are not anxious to do that—to advocate an income tax. We, as politicians, like to run from taxes and I am no exception. But, I have taken the step to prove my sincerity by saying any tax relief we give the homeowner must be made up by an individual income tax which would not, in any way, put additional burdens on industry or any commercial establishment in our State.

Mr. President, I ask the Members to please consider this very carefully and come up with an affirmative vote.

Senator BELL. Mr. President, as I read this bill—and if it passes people will read the bill, they will not listen to what somebody said on the floor—I see two sides of the coin and both of them are bad.

First of all, in the Delaware Valley we are fighting to bring industry within the Valley. We have lost industry. Not only have we had natural decline in industrial jobs due to the economy but we have also been subject to an attack by the Sunbelt to take away the jobs of the great Delaware Valley. There are a number of us trying, every way we can, to bring jobs back into the Delaware Valley.

Let us say I go to an industrialist and say, "Please establish a plant in my District." I will speak specifically: at Baldwin-Lima-Hamilton we are trying to bring one of the Japanese motor car manufacturers in. The gentleman I am talking to then picks up this piece of paper known as Senate Bill No. 1438. He says, "What does this mean? Does this mean that all the taxes will be on industry, because the local school districts and the local borough will vote the way the voters want and the voters are the people who live in the residences?" So there goes the turkey. We are trying to sell the idea in order to bring industry into Pennsylvania. He says, "I will go to another state where I know I will have a fair tax base."

Here is the other side of the coin, Mr. President. A person either pays taxes as an owner of a residence or he indirectly pays them as a renter of a residence. It has not been too long ago that I sat in one of these committee rooms when one of the counties was trying to collect a tax on the industrial processing of a great steel corporation in Beaver County. That room was so packed with spokesmen, high-priced spokesmen for special interests, that even a Senator had difficulty getting a seat. However, I did not see any representatives in there fighting for the people.

The other side of the coin, the citizen who lives in his home knows he does not have a high-priced lobbyist, he knows he does not have the thousands and more dollars to throw around in the right places and he figures he is going to get the dirty end of the stick.

Mr. President, I do not see how we can win with this type of bill and I do not believe because Proposition 13 passed in California that we should lose our sanity tonight, even though it is full moon.

Senator ANDREWS. Mr. President, I would only like to point out a few things about this bill.

We are providing with this bill, if it is enacted into law, that there would be various classifications of real estate taxes at different rates. It might very well be, when the final bell is sounded and the dust is all settled, that those who own residences in certain areas are going to pay higher rates of taxation than those who own industry or commercial establishments. This says nothing about who will pay more and who will pay less. We might very well be voting for a piece of legislation which will provide that homeowners pay higher taxes than anyone else.

It will solve one problem, I am sure, and that is that those candidates for local offices who will be in position as taxing authorities should have no trouble raising political contributions in those districts where there are large amounts of industry and commercial establishments because I am sure they are going to be very free with their political contributions.

Mr. President, I feel that this bill should be rejected and we should consider it in an attitude of solitude and let the emotions of Proposition 13 be laid to rest before we tackle anything like this. I am not voting for this bill because I am not going to go home and tell my constituents that I voted for a piece of legislation which may raise their taxes on their homes and reduce it for businesses because, under this amendment to the Constitution, that could happen.

Senator FUMO. Mr. President, I rise to explain my position. I intend to vote against this bill and I do not wish anyone to misinterpret what I am doing. I understand that today it is in vogue to be in favor of Proposition 13 and the scare tactic is on and the run is on. However, I believe this bill opens a Pandora's Box and I must agree with my colleague from Delaware, Senator Bell, I do not know where we go, even with implementing legislation.

If we begin to change the way in which we are going to tax real estate and let us say, for example, we want to be friendly to our constituents back home and lower the taxes that homeowners would have to pay, that money must be made up somewhere. Assume it is not going to be made up by increasing the taxes on businesses, there is still going to be a disparity. Eventually, over the years, business is going to take that position into account when it comes to locate in Pennsylvania.

Mr. President, I know a lot of people who do not like to pay taxes but there is one thing they do not like more and that is being unemployed. You do not mind paying taxes sometimes because that means you are employed.

It is also conceivable that this bill could get out of hand the other way and, as a great business incentive, someone may get the idea that we should lower taxes on commercial properties and business properties, because they are so large, and that might bring industry to Pennsylvania. That burden is also going to have to be made up by either the homeowner or the taxpayer.

I grant that we are dealing with a severe problem. The people in California have spoken on Proposition 13, but I do not believe we have seen the ripple effect yet and I think we cannot be moving this rapidly. We must see what the effect will be in California, but I am definitely not in favor of opening Pandora's Box here in Pennsylvania by having every special interest group and our own constituents on our backs as to who will get their taxes lowered or readjusted under this bill.

Therefore, Mr. President, I am voting against the bill, but I want to make it clear that, in voting against it, I am not voting against lower taxes. I do not want people to misconstrue that. I am in favor of lower taxes the same as everyone else when it can be done.

Senator CORMAN. 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.

Senator CORMAN. Mr. President, in reading the bill, I have several questions. I wonder if the gentleman could answer them.

The bill reads, "For the purpose of levying taxes under general laws, any taxing authority having the power to levy real property taxes shall have the authority to classify real property according to its use."

Does that mean that the schools might have one set of classifications for various properties and the townships perhaps a second list of classifications for the various properties which may differ from the schools and the county might have even a third set of classifications which might differ from the first two?

Senator EARLY. Mr. President, the answer to that question is, no. The answer to that question will come in the implementing legislation which the gentleman will have an opportunity to vote for or against when that time comes.

Senator CORMAN. Mr. President, I believe the bill does not read that way. The bill reads, ". . . any taxing authority having the power to levy real property taxes shall have the authority . . ." Therefore, that same individual body, according to this bill, would have the authority to classify the real property according to its use as they identify its use. I submit that there may be some differences as to the identification of its use.

Senator EARLY. Mr. President, if the gentleman will be kind enough to turn to page two, the last paragraph, the question would be answered for him.

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

I believe there are sufficient questions such as this about the bill which would encourage people to vote against it. Therefore, Mr. President, I would encourage a negative vote on this bill.

Senator HAGER. Mr. President, I am glad that the gentleman from Allegheny, Senator Early, has called attention to those two clauses because, as I read them, they appear to be mutually contradictory.

In the first position of the bill, page 1, lines 15 through 18, it says very clearly that municipal subdivisions shall have the right to classify. Then, on lines 7 through 10 on page 2 of the

bill, it seems to say that they cannot classify until the State classifies the right to classify.

In any event, there is nothing in this bill, Mr. President, which says that the townships, the counties, the school districts, the boroughs, the cities must pay any attention whatsoever to what the State does. It would seem to me that there is a hopeless conflict in the bill and it is just poorly drafted legislation.

Mr. President, I would suggest, if the Members wanted to get a consideration of this kind of legislation, let us not do it on a bill which is so confusing in its own language as to make it virtually impossible for anyone to determine what it means.

Mr. President, I would ask for a vote against this bill.

Senator EARLY. Mr. President, it is amazing to me the rationale which the Members are using to vote against this legislation, which I am sure they do not want to vote against. It appears to me they are grasping for straws and coming up with very weak arguments.

I would like to say something concerning the statements which have been made. The gentleman from Delaware, Senator Bell, stated that we needed a representative fighting for the people. This is exactly what I am trying to do; I am trying to fight for the people. I am trying to keep the individual homeowner, that senior citizen, in his home. Under the present tax structure, Mr. President, a senior citizen in my area—and I am sure in the areas of the other Members—is being put out of his own home daily. The reason he is being put out of his home is because he cannot afford the continuous increase in his property tax. They have begged me as I campaigned to do something about the property tax.

Unfortunately, Mr. President, in eight years, this is the first piece of legislation which has ever had a chance of doing something constructive to save that home for that senior citizen.

The gentleman from Philadelphia, Senator Fumo, asked, "Why are we doing something so rapidly?"

How can he possibly ask, "Why are we doing something so rapidly?" How can we sit back and continually let this happen and then come up with the question, "Why are we doing something so rapidly?" How long does the gentleman want to wait?

Let me ask the gentleman: How many senior citizens does he require to be put out of their homes before he is willing to take some type of constructive stand? I wonder if the gentleman can tell me, in his short term, what he has done other than criticize a piece of legislation which has been worked on, researched and had some of the best legal minds of this State working on this legislation?

There is nothing final about this. Everyone will have an opportunity to have some input into the implementing legislation. However, Mr. President, there is no way anything constructive can be done until we remove the Uniformity Clause which currently exists in our Constitution.

I say, Mr. President, this must be done immediately. If it is not done tonight, for the benefit of my colleague from Philadelphia, Senator Fumo, it cannot be done until 1981. That is how long it will take because this must be passed ninety days prior to a November election. When we pass it again, it must be done ninety days prior to the Primary Election of next year. If we do

not take the opportunity to do this tonight, we cannot do it until 1981. That is how rapidly we must do it.

Therefore, Mr. President, for the sake of our constituents in our Districts, especially for the sake of our senior citizens, I beg the Members to take step number one and vote in the affirmative on Senate Bill No. 1438 which will give them an opportunity—if the Members do not like this bill, perhaps their constituents will not either—to vote on this piece of legislation. That is all I am asking the Members to do.

Senator BELL. Mr. President, I believe the gentleman from Philadelphia, Senator Fumo, thinks the way I do. For once we agree. We certainly do not think the way the gentleman from Allegheny, Senator Early, thinks.

The poorest excuse to pass this bill today is because it must meet a time schedule. We should have a good bill before us before we hear that argument.

I would like to tell a little story: Just south of the District of the gentleman from Philadelphia, Senator Fumo, is a part of Delaware County where a Westinghouse Electric plant is located. Very close to his District in Philadelphia there is a General Electric plant. Both of them are shaky. With this type of a tax approach, Westinghouse Electric will take its 4,000 employees and go down to North Carolina and Tennessee.

From there, south of the riverfront, we have Vertol. Vertol is shaky. They can put that whole operation in one of the hangars in the Omaha plant of the great Boeing Corporation. Then, do we want to chase out Scott Paper and Sun Ship also? What will happen if the taxes are all shifted to industry, which is what the gentleman from Allegheny, Senator Early, is implying, and taken from the residential taxpayer, those plants will leave. Then we will have nothing to pay the tax load but residences because, once the plants leave, the workers leave. Then we will have a true welfare state.

The Members can shrug their shoulders and make all kinds of glib comments on this floor, but when we drive jobs out of this Commonwealth we have nothing left but welfare. That is what I think the gentleman from Philadelphia, Senator Fumo, is saying. That is what I am saying.

This is ill conceived and improper. I do not know where the gentleman got all his legal brains, but I would not recognize them as the best in the country.

The PRESIDENT. Does Senator Fumo wish to defend himself against the charges made by Senator Early or the charges made by Senator Bell?

Senator FUMO. Mr. President, that is what I am confused about. I think I am in trouble. I am not going to discuss Pandora.

Mr. President, there have been a number of things said about my position on this bill—getting into it too hastily and about how, I guess now, I am an ogre to senior citizens.

There is something I said a long time ago when I ran for office. I promised my constituents that I was not running for "God." I did not feel I had the answer to every question. I believe the gentleman from Allegheny, Senator Early, in his enthusiasm for this legislation, tends to think that he may have some sort of direct information from some Diety.

I do not know that this legislation is going to solve all the problems. When we talk about senior citizens being driven from their homes, that may be the case in some areas. However, we also must talk about senior citizens who want benefits; senior citizens who want medical care; senior citizens who want food programs; senior citizens who now want paid prescriptions. I would like to remind the gentleman that somewhere along the line someone pays this bill. I do not care how it is sliced and how it is whacked up, that person paying that bill is middle class America and middle class America works for a living. I feel that is very important.

I am not saying that the bill of the gentleman from Allegheny, Senator Early, does not have merit. What I am saying is, I think it is too dangerous to open up the Constitution on this particular issue. Believe me, it may sound very nice today to say that we are doing all these great things for everyone, but tomorrow we will come back and regret it. We will be faced with business demanding that this formula be used in reverse and that they be given less of a tax burden so that they will come to Pennsylvania. We will have politicians in local areas doing everything they can to get business there and, when that happens, the homeowners' taxes are going to go up and just the reverse is going to happen. Then, where will we be? We will have to come back with more implementing legislation and keep doing this forever.

One of the problems with this Commonwealth and one of the problems the electorate perceives is that many times we keep running around in circles and nothing seems to happen. I feel this is one of those things which really looks nice on the surface, but the minute we get down deep into the issue we are going to have a ton of problems we will regret in this Body for the next ten years. That is where I stand on this issue, Mr. President.

The PRESIDENT. Before proceeding with the debate, the Chair would like to take the opportunity to caution the Members to do their best to stay on the issue and refrain from what may border on a personal attack on the motive of any Member. We have never done that and I am not going to permit it in the future.

Senator HESS. Mr. President, first, I believe everyone in this Chamber hopes some day to become a senior citizen. I believe everyone in this Chamber has someone in his family who is a senior citizen. We are not voting here like robots who do not have personal attachments to the issue raised by the gentleman from Allegheny, Senator Early. However, I believe there is a more important consideration. When we talk about tax reduction, when we talk about spending, we talk about the efforts of those opposed. In my opinion, if we split the Uniformity Clause, we split the opposition to increase taxation. We split the opposition to increase spending because we divide our groups.

Let me cite one very good example. In my District, in one particular school district, in the original proposed budget there was a recommended increase of 3.5 mills. The people got together, the various civic organizations of that city, the business community got together, and they even had the Pennsylvania Economy League come in in an advisory capacity to help the

school board balance its budget without a tax increase. Uniformly, working together, there was no tax increase. I think that is the best evidence I can present on this floor for keeping the tax uniform so that the people will have uniform opposition.

Senator HAGER. Mr. President, in rereading this legislation—and I wish the Members would read it with me—the only way I can read this legislation is that after the Legislature has acted, regardless of what it does, local communities may then act in contravention of what it does, because, what this bill says is—that local municipalities—that the taxing authority shall have the power to do it, no matter what the Legislature does just as long as it waits for the Legislature to classify.

This is so dangerous, Mr. President, it seems to me that it needs to be considered by some committee perhaps with less interest in the bill.

MOTION TO REREFER

Senator HAGER. Mr. President, I move that Senate Bill No. 1438 be rereferred to the Committee on Local Government for further study.

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

Senator EARLY. Mr. President, I ask my colleagues for a “no” vote.

Senator LEWIS. Mr. President, I rise in opposition to the motion.

While the subject matter of this bill is one that is of—

The PRESIDENT. Just one moment, please. The subject matter of the bill is not a debatable matter on the question of referral.

Senator LEWIS. Mr. President, I was merely making passing reference—

The PRESIDENT. The only debatable matter is the propriety of the referral motion and I will not permit getting into the substantive question of the bill.

Senator LEWIS. The bill is of interest to me, Mr. President, personally, but I believe it is appropriately assigned and was appropriately assigned in the first instance to the Committee on Constitutional Changes. I believe the purpose of our committee system is to assign bills to those committees which are charged with the responsibility of reviewing special subject matters and, as the Chairman of the Committee on Local Government, I believe this bill does not appropriately belong in that committee. If it is going to be recommitted at all, and I hope it is not, it should be recommitted to the Committee on Constitutional Changes and Federal Relations. I, therefore, rise in opposition to the motion.

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

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

Senator MESSINGER. I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator LYNCH. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—22

Andrews,	Fumo,	Hopper,	Manbeck,
Arlene,	Gekas,	Howard,	Moore,
Bell,	Hager,	Jubelirer,	Snyder,
Corman,	Hankins,	Kelley,	Stauffer,
Dougherty,	Hess,	Kusse,	Tilghman,
Duffield,	Holl,		

NAYS—25

Coppersmith,	McCormack,	Noszka,	Scanlon,
Dwyer,	McKinney,	O'Pake,	Schaefer,
Early,	Mellow,	Orlando,	Smith,
Gurzenda,	Messinger,	Reibman,	Stapleton,
Kury,	Murray,	Romanelli,	Stout,
Lewis,	Nolan,	Ross,	Sweeney,
Lynch,			

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

And the question recurring,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, as every Member of this Senate knows, I have been extremely interested in the issue of the property tax for several years. I am somewhat amazed that the gentleman from Allegheny, Senator Early, would speak about this bill as a bill that would do something to eliminate the property tax in Pennsylvania because this bill has nothing to do with removing the property tax.

To relate this legislation to Proposition 13 in California, very frankly, is ludicrous. In no way does this proposal relate to Proposition 13.

What we have before us is a proposal which has been tried in several states and which has failed miserably in the places where it has been tried; it is known as the Classified Property Tax. All it says is that instead of having, as our courts have decreed in Pennsylvania, the property tax applied uniformly to every type of real property, it says you can divide real property into different categories. The gentleman has mentioned four in his proposed amendment but of course he says there can be others. In so doing, it would permit local government, school districts if they desired, to tax these various classifications at different rates. It does not say they must. Therefore, they could choose to just let things be as they are in the status quo and the result would be no charge at all; or, they could, as has been suggested by several Members, the gentleman from Philadelphia, Senator Fumo, the gentleman from Delaware, Senator Bell, the gentleman from Lawrence, Senator Andrews, and others, tax one classification at a higher rate and others lower, which could have differing effects. We could overtax business and drive business away. That has been the result, Mr. President, in the states that have tried it. Not only have those states which have tried it had a problem with business, but they have also had the

problem with scaring business away. Business is afraid to go into those states or was when they tried it.

We could overtax the resident. We could overtax the farmer. We could do all kinds of things. We could practice exclusionary zoning under this proposal, if we wanted to do that.

Proposition 13 in California, Mr. President, came about because the people were concerned that their property taxes had risen 110 per cent in the past decade. The people said, "We want something done about this." That was the basis on which Proposition 13 began. They wanted something done to eliminate the property tax.

Mr. Jarvis and Mr. Gann took that initial unrest and added a further dimension to it which, of course, was the total reduction in state spending. So, the California Proposition 13 really has two dimensions. One of them many of us feel we should deal with here in Pennsylvania, and that is not to shift the burden of the property tax from one group of people to another; it is to get rid of the property tax, at least in part, altogether. That is how we solve the problem of the senior citizen, that is how we solve the problem of the farmer, that is how we solve the problem of people who are unemployed or ill, or what have you, who cannot meet an ever-increasing property tax.

Mr. President, we do not do it through this proposal and to say that nothing constructive can be done to deal with this problem until we change the Uniformity Clause is ridiculous. We can do something. There are other proposals that deal with it directly and, I believe, if we want to do something with the property tax we should defeat this proposal and start to consider some of those which do deal with it directly.

Senator McCORMACK. Mr. President, in listening to this debate I detect a certain callousness against senior citizens and I am very disturbed by it. It may very well be that there are certain Senatorial Districts that have big corporations in them and they represent the thinking of that community. I am concerned with senior citizens and I am concerned when senior citizens have come to my office with tears in their eyes requesting some relief from the imposition of property taxes.

Mr. President, I do not believe that this legislation which we are about to vote on is really as dangerous as some of the previous speakers have suggested. I believe it really gives the local taxing authority some flexibility in what is now a terribly tight and locked position by virtue of our present Constitution. I believe we should do something for these school districts who are concerned with the tax rate and these municipalities that are having problems. I believe we should give them some opportunity to exercise local thinking rather than a direction from Harrisburg. I believe we should pass this legislation and give these senior citizens—our most precious commodity—who worked and toiled in dignity throughout their life, an opportunity to stay in their homes. I believe if we cannot direct our primary concern on their behalf then we are becoming very callous.

The bottom lines in these corporate giants, which were mentioned on the floor, are all very healthy and to equate their position to the senior citizens with whom I have spoken during the past few months is to be frivolous and really to be ignorant of the true facts.

Mr. President, this proposal by the gentleman from Allegheny, Senator Early, is a good one. It is a step in the right direction and we should forget about this bogeyman of uniform taxation among the same class of property. It is a very limited proposal and is something whose time has, indeed, come. I, therefore, intend to vote for this bill.

MOTION TO RECOMMIT

Senator McKINNEY. Mr. President, I have sat for the last hour and listened to the debate and I have not been convinced that this is the proper approach or in the right direction.

Therefore, Mr. President, I move that the bill be recommitted to the Committee on Constitutional Changes and Federal Relations for further study.

As I read some of the accounts of Proposition 13, I realize this is not the same.

The PRESIDENT. Senator McKinney, may we consider your motion?

It has been moved by Senator McKinney that this bill be recommitted to the Committee on Constitutional Changes and Federal Relations.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

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

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

Senator McCORMACK. Mr. President, notwithstanding the fact that there was a previous motion to rerefer this bill to another committee, the motion to recommit is substantially similar and I say it is out of order because no other business has intervened since the last motion was defeated.

The PRESIDENT. There has been substantial progress in the debate, Senator, and the Chair does not accept the gentleman's point of order and considers it not well taken.

Senator EARLY. Mr. President, I would like to speak on the recommittal motion.

Mr. President, a vote to recommit is a vote to kill the legislation. As I have indicated, this legislation must be passed ninety days prior to this November election.

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Lawrence, Senator Andrews, will state it.

Senator ANDREWS. Mr. President, is the Senator not out of order in his remarks?

The PRESIDENT. He is technically stretching my patience but is doing a pretty good job of staying on an interesting point that might well be considered in order, Senator, but I think he is getting the message.

Senator EARLY. Mr. President, I am indicating that a recommittal motion on this particular piece of legislation, because of the timing, not the merits of the bill—the ninety days prior to

the November election—means if this bill is recommitted to committee, it is—

MOTION WITHDRAWN

Senator McKINNEY. Mr. President, I would not want the senior citizens and constituents of the gentleman from Allegheny, Senator Early, to think that I was trying to kill a bill that would help them in their tax problems and struggles which we all have in our Districts. Therefore, in the spirit of—I do not know if it is unity or not, but whatever the spirit is, I withdraw my motion.

And the question recurring,
Shall the bill pass finally?

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator McCormack.

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

Senator McCORMACK. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman, in light of his comments about the callousness of the Senate with respect to senior citizens, where in this bill he finds any mention of senior citizens?

Senator McCORMACK. Mr. President, I did not raise the question of senior citizens. I said I was listening to the debate on the floor and that question was raised about financing their programs. However, I believe it is implicit in the language of the resolution that the local taxing authorities, being given the opportunity, would have the right, subject to the legislative oversight, to pass ordinances which would levy a higher tax on property other than residential. Obviously, senior citizens, being residential property owners, would benefit by virtue of that legislation. I admit that is conjectural.

Senator ANDREWS. Mr. President, would the gentleman state whether or not it is his opinion that this bill would give a lower rate of taxation to a senior citizen as opposed to an industrialist who may own a home worth a half million dollars across the street or would they both be taxed at the same rate?

Senator McCORMACK. Mr. President, as I understand the language of the bill, that is a possibility. There are many possibilities in the bill directly dependent upon the type of local legislation that would flow.

Senator ANDREWS. Mr. President, I would call the gentleman's attention to page 1, lines 16 and 17, where it states, "... the taxing authority . . . shall have the authority to classify real property according to its use." A residence is a residence no matter whether the resident happens to be a millionaire or a senior citizen and I would ask the gentleman if he could specify where in this bill it provides for any relief to senior citizens that it would not give to anyone else?

Senator McCORMACK. Mr. President, I believe the gentleman is correct that residential taxation would have to be uniform. That is a specific category, one of the four enumerated.

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

At this time I would like to make a few quick comments. This bill does nothing for senior citizens that it does not do for anyone else. It could reduce property taxes on senior citizens' resi-

dences and property taxes on everyone else's residences. It is going to depend on the character of the particular political subdivision or political taxing authority and what kind of people they have in their district as to whether there will be high or low taxes.

I would also like to point out that, using the four examples which are set forth, apartment buildings would be residential and apartment house owners may have twenty-four apartments in them which would be classified as residences and they would also get a tax break under this particular bill.

Senator DWYER. Mr. President, I rise in support of this measure although, as the gentleman from Chester, Senator Stauffer, has indicated, I feel it is the long way around when we already are authorized to do what we are attempting to do without amending the Constitution.

I call the attention of the Membership to Article VIII, Section 2(b) (ii) which states: "The General Assembly may, by law establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications." Therefore, we already have that constitutional authorization.

I would also call attention to Article VIII, Section 1, which this proposed constitutional amendment amends, which states: "All taxes shall be uniform," and I believe the key phrase is, "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."

Mr. President, I sponsored a bill, along with several other Members of the Senate, similar to Senate Bill No. 1438 in the last Session of the Senate. I did not sponsor that bill during this Session because I learned, as the Constitution tells us, that it is not necessary to amend the Constitution in order to accomplish this purpose. We have the specific language in Article VIII, Section 2(b) (ii), and we have a lot of legal case law with regard to Article VIII, Section 1, upon the same class of subjects.

For example, coal is taxed differently. We have anthracite coal in one class and we have bituminous coal in another class. There are different taxes on those two classes of coal. The same can be done—and there is case law to support it—by classing different classes of property without a constitutional amendment.

We have a bill in the Senate which seven Members of the Senate, including myself, sponsored last year, Senate Bill No. 732, Printer's No. 776. It is in the Senate Committee on Education. Ironically, just over a year ago, it was reported out of the Committee on Education on May 31, 1977, was before the Senate and was recommitted to committee on June 13, 1977. In light of the newly found interest in changing tax structures, we should again consider Senate Bill No. 732 or some measure similar to it.

Senate Bill No. 732, if enacted, would provide that local school districts—and it only applies to school districts which account for eighty per cent or ninety per cent of the local property taxes—by motion of the school board or by petition of a certain number of residents within that school district, could take

action or they could have it placed on a referendum to replace property taxes or a certain amount of property taxes within that school district with a tax on wages, commissions and so forth. It would be the people of each individual school district deciding. They could do this on property as a whole as they have done or, as I said, under Article VIII, Section 1 of the Constitution and case law which has interpreted that, establish classes of property within that school district and have different levies of property taxation on those different classes of property.

Therefore, although I feel Senate Bill No. 1438 has a good thought and a thought I support, I believe it is unnecessary because we do have adequate constitutional authority and court interpretation of that authority to proceed without waiting until 1981. We could do it within the next five legislative days which is the minimum number of days it takes to finally pass legislation.

However, I do feel we are finally considering the thoughts of restructuring our tax structure and I believe it is positive debate and a very positive subject to be debating. I would support this bill since it is the only one before us, but I do feel that we do not need to go the long way around. We could take immediate action this Session to provide, if not a property tax cut, for the restructuring of property taxes.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator McCormack.

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

Senator FUMO. Mr. President, it will be only one short question.

POINT OF ORDER

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

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

Senator McCORMACK. Mr. President, is there not some limitation on the number of times a Senator is entitled to speak on an issue? I believe the Rule—

The PRESIDENT. There is, Senator. A Senator may speak two times on an issue. I let him speak a third time unless there is an objection raised. Do you raise an objection to Senator Fumo speaking on the issue a third time, Senator?

Senator McCORMACK. Yes, Mr. President, I think it is rather late and I feel we should get on with the business. I sit next to him and I will be glad to answer his questions while the debate is—

No, never mind, Mr. President, I will be glad to answer his questions.

The PRESIDENT. Then you will permit yourself to be interrogated, Senator?

Senator McCORMACK. I will, Mr. President.

Senator FUMO. Mr. President, would the gentleman please tell me where, in Senate Bill No. 1438, it provides that any homeowner's property taxes are going to be reduced? I want to have that made clear because apparently people are a bit confused on this issue.

Senator McCORMACK. Mr. President, as I said, this is not a self-operating proposal. It depends upon local taxing authorities implementing this proposal once it is passed and becomes a constitutional amendment. It also depends upon legislative oversight in Harrisburg.

Senator FUMO. Mr. President, is the gentleman telling me that we must now rely upon the fact that taxes might be reduced in the future? Is that what the gentleman is telling me? There is no guarantee that they will be reduced at all, either for senior citizens, homeowners or anyone, is that correct?

Senator McCORMACK. Mr. President, as I understand this proposition, that is exactly it, dependent upon future legislation.

Senator FUMO. Therefore, Mr. President, what we have is the possibility that we can have taxes going all over the place and, quite possibly, they are not going to go down. Senior citizens may not even be helped by this bill and, perhaps, could even be hurt.

Senator McCORMACK. Mr. President, that is precisely it. If it is dependent solely and exclusively upon local taxing authorities and legislative action here, that is true. It is entirely dependent upon the will of the legislative Body.

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

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—28

Arlene, Coppersmith, Duffield, Dwyer, Early, Gurzenda, Hankins,	Lewis, Lynch, McCormack, McKinney, Mellow, Murray, Nolan,	Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon,	Schaefer, Smith, Stapleton, Stout, Sweeney, Tilghman, Zemprelli,
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NAYS—20

Andrews, Bell, Corman, Dougherty, Fumo,	Gekas, Hager, Hess, Holl, Hopper,	Howard, Jubelirer, Kelley, Kury, Kusse,	Manbeck, Messinger, Moore, 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 present said bill to the House of Representatives for concurrence.

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 1860**

HB 1860 (Pr. No. 3147) — Senator MESSINGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1860, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 74 (Pr. No. 1942) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 74.

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—49

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

NAYS—0

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

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

SB 197 (Pr. No. 1696) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 197.

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—49

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 586 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 704 (Pr. No. 1954) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 704.

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—48

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

NAYS—1

Manbeck,

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.

SB 1475 (Pr. No. 1958) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1475.

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—49

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

NAYS—0

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

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

FINAL PASSAGE CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON FINAL PASSAGE

HB 263 (Pr. No. 3413) — And the amendments made there-to 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—48

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

NAYS—1

Kelley,

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1506 (Pr. No. 1941) — And the amendments made there-to having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

MOTION TO RECONSIDER

Senator MOORE. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

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

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

Amend Sec. 1 (Sec. 3131), page 2, lines 9 and 10, by striking out "at the time of appointment to the court"

Amend Sec. 1 (Sec. 3131), page 2, line 11, by inserting after "(i)": shall have

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 MOORE.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 190 (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—49

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 191 (Pr. No. 3411) — 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 SNYDER. Mr. President, I would like to put on the record my reason for voting against this bill. I do not believe it will create one kilowatt more energy. It will, however, make the distribution more complicated. I think getting the government into the situation can only make it more difficult and more expensive to the public, the consumers and everybody.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—18

Arlene, Bell, Dougherty, Duffield, Early,	Fumo, Hankins, Kury, McCormack, McKinney,	Mellow, Messinger, Murray, Ross,	Scanlon, Smith, Stout, Zemprelli,
---	---	---	--

NAYS—30

Andrews, Coppersmith, Corman, Dwyer, Gekas, Gurzenda, Hager, Hess,	Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lynch,	Manbeck, Moore, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Schaefer, Snyder, Stapleton, Stauffer, Sweeney, Tilghman,
---	--	--	--

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

BILLS OVER IN ORDER

HB 489 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SB 585 — Senator MESSINGER. Mr. President, I request that Senate Bill No. 585 go over in its order.

Senator STAUFFER. Mr. President, it was my understanding that there were amendments to Senate Bill No. 585 ready to go, ready to be considered, and I would object to the bill going over.

I would hope if the gentleman from Allegheny, Senator Schaefer, is not prepared with his amendments, the other Members who do have amendments ready would be permitted to offer them.

This is important legislation. We are running short on time and I believe we should consider all that we can.

Senator MESSINGER. Mr. President, when I requested Senate Bill No. 585 over in its order it was my understanding that tomorrow we will take up all amendments which are being proposed to Senate Bill No. 585.

The PRESIDENT. Upon the explanation of Senator Messinger that tomorrow all amendments by all Members will be considered, without objection, Senate Bill No. 585 will go over in its order.

HB 1731 TAKEN FROM THE TABLE

HB 1731 (Pr. No. 3395) — Without objection, Senator MESSINGER called from the table **HB 1731**, as amended.

REMAINING THIRD CONSIDERATION CALENDAR OVER IN ORDER WITH NO CHANGE IN DAY OF APPEARANCE ON CALENDAR

Senator MESSINGER. Mr. President, I move that all remaining bills on today's Third Consideration Calendar not considered be passed over in their order, without prejudice to their day of appearance on the Calendar.

The motion was agreed to.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 198 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

BILLS OVER IN ORDER

HB 225, SB 448, 951, 1022 and 1056 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

HB 1187 (Pr. No. 1399), HB 1220 (Pr. No. 1442), SB 1295 (Pr. No. 1606) and SB 1360 (Pr. No. 1715) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1384 and 1460 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

SB 1519 (Pr. No. 1937), HB 1572 (Pr. No. 3414), HB 1718 (Pr. No. 2085) and HB 1823 (Pr. No. 2514) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS ON SECOND CONSIDERATION AMENDED

HB 2301 (Pr. No. 3350) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2, page 2, line 21, by striking out "as" and inserting: and shall apply

Amend Sec. 2, page 2, lines 22 and 23, by striking out "after the passage of this" in line 22, all of line 23, and inserting: thereafter.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for third consideration.

HB 2302 (Pr. No. 3348) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Bill, page 6, lines 22 through 26, by striking out all of said lines

Amend Sec. 5, page 6, line 27 by striking out "5." and inserting: 4.

Amend Sec. 5, page 6, line 27 by inserting after "section 5": of the act added December 10, 1974 (P. L. 916, No. 303)

Amend Bill, page 6, by inserting after line 28:
Section 5. This act shall take effect July 16, 1978.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

HB 198 CALLED UP

HB 198 (Pr. No. 3412) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Second Consideration Calendar by Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED

HB 198 (Pr. No. 3412) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LEWIS offered the following amendments:

Amend Bill, page 5, lines 24 through 30, by striking out all of said lines

Amend Sec. 6, page 6, line 1, by striking out "6." and inserting: 5.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

Senator LEWIS offered the following amendments:

Amend Title, page 1, line 2, by striking out "State or State agencies and"

Amend Title, page 1, line 3, by striking out "State" and inserting: public

Amend Title, page 1, line 4, by striking out "post State employment"

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 LEWIS.

HB 1428 CALLED UP

HB 1428 (Pr. No. 1806) — Without objection, the bill, which previously went over in its order, was called up, from page 7 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1428 (Pr. No. 1806) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2, page 1, line 16, by inserting after "township": having responsibility for enforcing this act as determined by section 4.

Amend Sec. 4, page 3, line 2, by inserting after "county.": The county shall be the control authority except the county may designate any city, borough, incorporated town, or township to act as control authority over lands under its jurisdiction provided that the governing board of such city, borough, incorporated town, or township has adopted a resolution requesting such designations.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

The PRESIDENT. Without objection, the bill, as amended, will go over in its order, without prejudice as to the day of its appearance on the Calendar as requested by Senator Messinger.

SENATE RESOLUTION, SERIAL NO. 101, CALLED UP

Senator MESSINGER, without objection, called up from page 14 of the Calendar, Senate Resolution, Serial No. 101, entitled:

Directing the Senate Law and Justice Committee to review the management practices of the Liquor Control Board.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 101, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 101.

The motion was agreed to and the resolution was adopted.

SENATE RESOLUTION, SERIAL NO. 104, CALLED UP

Senator MESSINGER, without objection, called up from page 14 of the Calendar, Senate Resolution, Serial No. 104, entitled:

Senate Committee to investigate all aspects of cable television in Philadelphia.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 104, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 104.

The motion was agreed to and the resolution was adopted.

**HOUSE CONCURRENT RESOLUTION
NO. 164, CALLED UP**

Senator MESSINGER, without objection, called up from page 15 of the Calendar, House Concurrent Resolution No. 164, entitled:

House memorialize the Congress of the United States to require all Federal agencies to hire the services of unemployed available persons who normally reside or work in the disaster area before hiring the services of other persons providing the necessary skills are available locally. The United States Congress should direct the United States Department of Labor in conjunction with the appropriate State employment security offices to serve as the responsible Federal agency to assure this policy is effectuated among the Federal agencies involved including but not limited to such Federal agencies as the Federal Disaster Assistance Administration, General Services Administration, United States Army Corp of Engineers, Department of Housing and Urban Development and the Department of Health Education and Welfare. Further any contracts let by such agencies for disaster recovery operations should include reference to this policy.

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

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 164**

Senator MESSINGER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 164.

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

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

**HOUSE CONCURRENT RESOLUTION
NO. 176, CALLED UP**

Senator MESSINGER, without objection, called up from page 15 of the Calendar, 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."

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

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 176**

Senator MESSINGER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 176.

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

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

**HOUSE CONCURRENT RESOLUTION
NO. 192, CALLED UP**

Senator MESSINGER, without objection, called up from page 15 of the Calendar, House Concurrent Resolution No. 192, entitled:

General Assembly urge President and Congress enact a fund for dispersing Federal Outer Continental Shelf Revenues.

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

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

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 192**

Senator MESSINGER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 192, as amended.

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

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

RECONSIDERATION OF HB 191

BILL OVER IN ORDER ON FINAL PASSAGE

HB 191 (Pr. No. 3411) — Senator KURY. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 191, Printer's No. 3411, failed of final passage.

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

And the question recurring,
Shall the bill pass finally?

Senator KURY. Mr. President, I request that House Bill No. 191 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.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE

Senator NOLAN, from the Committee on Aging and Youth, reported, as committed, **HB 2292**.

SENATE RESOLUTION

**PHASING OUT NONPREFERRED APPROPRIATIONS TO
INSTITUTIONS OF THE COMMONWEALTH**

Senators STAPLETON, MELLOW, NOLAN, ORLANDO, KELLEY, MURRAY, STOUT, KURY, MANBECK and SCHAEFER offered the following resolution (**Serial No. 110**), which was read and referred to the Committee on Appropriations:

In the Senate, June 19, 1978.

Non-preferred appropriations to institutions of this Commonwealth are becoming burdensome to the taxpayers of this Commonwealth; therefore be it

RESOLVED, That non-preferred appropriations to the following institutions shall be phased out over the next four years and for the fiscal periods indicated shall be:

(a) Museum of the Philadelphia Civic Center:	
(1) 1979-1980	\$ 56,250
(2) 1980-1981	37,500
(3) 1981-1982	18,750
(4) 1982-1983	0

(b) Drexel University:	
(1) 1979-1980	2,582,000
(2) 1980-1981	1,788,000
(3) 1981-1982	894,000
(4) 1982-1983	0
(c) Philadelphia School of Textiles and Science:	
(1) 1979-1980	286,500
(2) 1980-1981	191,000
(3) 1981-1982	95,500
(4) 1982-1983	0
(d) Dickinson School of Law:	
(1) 1979-1980	73,250
(2) 1980-1981	49,500
(3) 1981-1982	24,750
(4) 1982-1983	0
(e) Berean Training and Industrial School:	
(1) 1979-1980	314,750
(2) 1980-1981	276,500
(3) 1981-1982	138,250
(4) 1982-1983	0
(f) Philadelphia College of Art:	
(1) 1979-1980	326,250
(2) 1980-1981	217,500
(3) 1981-1982	108,750
(4) 1982-1983	0
(g) Delaware Valley College of Science and Agriculture:	
(1) 1979-1980	216,750
(2) 1980-1981	144,500
(3) 1981-1982	72,250
(4) 1982-1983	0
(h) Johnson School of Technology:	
(1) 1979-1980	104,250
(2) 1980-1981	69,500
(3) 1981-1982	34,750
(4) 1982-1983	0
(i) Williamson Free School of Mechanical Trades in Delaware County:	
(1) 1979-1980	39,000
(2) 1980-1981	26,000
(3) 1981-1982	13,000
(4) 1982-1983	0
(j) Downingtown Industrial and Agricultural School:	
(1) 1979-1980	408,000
(2) 1980-1981	272,000
(3) 1981-1982	136,000
(4) 1982-1983	0
(k) Pennsylvania Academy of the Fine Arts:	
(1) 1979-1980	3,750
(2) 1980-1981	2,500
(3) 1981-1982	1,250
(4) 1982-1983	0
(l) Philadelphia College of Performing Arts:	
(1) 1979-1980	75,930
(2) 1980-1981	50,620
(3) 1981-1982	25,310
(4) 1982-1983	0
(m) Academy of Natural Sciences of Philadelphia:	
(1) 1979-1980	168,750
(2) 1980-1981	112,500
(3) 1981-1982	56,250
(4) 1982-1983	0
(n) University of Pennsylvania for the University of Pennsylvania Museum:	
(1) 1979-1980	75,000
(2) 1980-1981	50,000
(3) 1981-1982	25,000
(4) 1982-1983	0
(o) Division of Education of the Philadelphia Museum of Art:	
(1) 1979-1980	75,000
(2) 1980-1981	50,000
(3) 1981-1982	25,000
(4) 1982-1983	0

(p) Carnegie Museum at Pittsburgh:	
(1) 1979-1980	75,000
(2) 1980-1981	50,000
(3) 1981-1982	25,000
(4) 1982-1983	0
(q) Buhl Planetarium and Institute of Popular Science:	
(1) 1979-1980	75,000
(2) 1980-1981	50,000
(3) 1981-1982	25,000
(4) 1982-1983	0
(r) Franklin Institute:	
(1) 1979-1980	300,000
(2) 1980-1981	200,000
(3) 1981-1982	100,000
(4) 1982-1983	0

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Byron A. Breisch by Senator Andrews.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Mayne Feather, Mr. and Mrs. Millard Stitt, Mr. and Mrs. Eugene Bott, Rabbi Nathan Kaber and to Edna Speacht by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Wagner, Mr. and Mrs. George R. Smith, Mr. and Mrs. William E. Amos, Mr. and Mrs. Edgar Fenimore, Mr. and Mrs. Frank P. Richmond, Mr. and Mrs. Fred G. Postlethwait, Mr. and Mrs. Joseph B. Hill, Mr. and Mrs. Raymond H. Wilson, Mr. and Mrs. Earl Wells and to Paul J. Nimal, III by Senator Stout.

Congratulations of the Senate were extended to WDAU-TV, Channel 22 and to Radio Station WARM by Senator Mellow.

Congratulations of the Senate were extended to the American Hellenic Educational Progressive Association by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1485, HB 2292, 2454, 2514, 2515, 2518 and 2528.

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

PETITIONS AND REMONSTRANCES

Senator JUBELIRER. Mr. President, even though the hour is late and the Chamber is empty, I feel that the remarks I will offer briefly are extremely important and, certainly, affect every Pennsylvanian today.

\$9.75 million, Mr. President. That is a lot of money. Even in these days of multi-billion dollars budgets, \$9.75 million is a sizeable sum. That is precisely the sum that the Pottsville Republican estimates the bill to be for black lung claims filed

with the State Workmen's Insurance Fund by employees of the Blue Coal Company. Claims that were dumped on SWIF, the State Workmen's Insurance Fund, perilously depleting the fund and requiring a legislative bail-out.

This tale of dumping, contained in a story on the Blue Coal Company featured in the Monday and Thursday issues of the Pottsville Republican, is not a new tale. We have been aware of this incident for several years. What is remarkable is that we have not taken action to remedy the situation.

Last December, I introduced a resolution, now called Senate Resolution No. 216, cosponsored by eleven of my colleagues, calling for a joint legislative committee to conduct an investigation into SWIF's administration and policies, to ensure that the fund will be financially sound. This resolution is similar to one introduced by the late Senator Frame in 1976.

The need to probe the fund has not lessened in urgency. The article in question cites Insurance Commissioner Sheppard's acknowledgement that the same kind of dumping can occur again. SWIF officials describe existing anti-dumping legislation as "an empty gesture." The longer we delay, the greater the opportunity for a new round of catastrophic dumping to occur.

Granted, this may not appear to be a very sexy topic, Mr. President. No large groups of voters or blocs of special interests are camped outside our offices clamoring for legislative action.

That does not mean that action is not justified. When the last round of dumping occurred, the tab was set at \$6 million. Now we note it has far exceeded that figure. We allowed SWIF's solvency to be jeopardized once. Let us not wait until the fund totters on insolvency again before shaking our lethargy.

Here is an occasion where we can prevent a crisis from occurring, rather than allowing the situation to deteriorate to the point where panic sets in. I suggest we take up consideration of Senate Resolution No. 216 as quickly as possible to set in motion the wheels of an investigation which may very well forestall a crippling and embarrassing fiscal crisis in the Commonwealth today.

Senator BELL. Mr. President, last Friday in my area I heard that our druggists were not going to honor the Medicaid prescriptions. I called the Department of Public Welfare and asked them what was going on. I talked to the executive assistant and the gentleman told me they had run out of money.

On one hand we have the druggists saying they are not going to fill any more of the welfare prescriptions and on the other hand the Department of Public Welfare is saying it has no money.

Apparently they disburse the money through Capital Blue Cross. What was happening on Friday afternoon, if you were on welfare, you were indigent and you were sick and you needed medicine, you were not going to get it. That is a very nasty situation and something which could have led to tragedy.

In Philadelphia a group went into Federal Court and got an injunction on the Druggists Association of Philadelphia to force them to fill prescriptions. I do not know what would have happened if someone had said, "I am not going to do it. I have not been served or anything else."

At 4:00 o'clock on Friday, Mr. President, the situation was critical. I, through contact, arranged with a number of pharmacies in my area to fill the prescriptions over the week-end.

Mr. President, in about an hour and a half my Delaware County office got calls from thirteen different small pharmacies in my District and the message, generally, was, "We have not been paid for two months. We are only little people. We do not have the money to continue to fill these prescriptions unless we receive State funds."

The Department of Public Welfare says, "Well, we can start paying them on July 1st." I have sent word to the pharmacies in my area, "For God's sake, fill these prescriptions and we will do everything we can in our office to see that your bills are promptly processed, after July 1st, when the money becomes available."

The reason I am bringing this right here is that this should never have happened because, when you are denying an indigent, sick person medicine, you can readily kill that person.

Mr. President, I am appealing to the Majority Party to work with the powers they have in the Committees on Appropriations of the Senate and the House to knock some heads together—somewhere, I do not know who is to blame—so that we will never have a reoccurrence of a potential strike of pharmacists who will deny prescriptions to the indigent poor.

I have a reply from the Pennsylvania Department of Welfare that they were going to get a list of those pharmacists who would fill the prescriptions. That is no good to a person who is sick, who has no car, who has to rely on the neighborhood pharmacy and cannot chase all around the county or into another county. That is no answer and I told the gentleman in the Department of Public Welfare that.

Mr. President, that is my plea today; that the Department of Public Welfare get that message loud and clear, that they should pay these small pharmacies as soon as the money is available; that this situation must never happen again because, maybe, maybe, some poor person, sick, is going to be denied a prescription ending in untold suffering and maybe tragedy.

Senator SNYDER. Mr. President, the Department of Public Welfare has only itself to blame for this situation with the pharmacists.

In my own county, two of the pharmacies have been due \$7,000 since April 15th, two others have been due \$8,000; all of that has been unpaid. There are some other pharmacies which are entitled to lesser amounts which have been due since April. Meanwhile, the State is asking them to fill the prescriptions until July.

The reason the Department is lacking enough money to pay these people, who are quite entitled to it, is that the Department, in various ways, has spent a great deal of money that not only did not need to be spent but is counterproductive.

Just to name one example, which would save some millions of dollars, on which the Department has been stubborn beyond belief, is the matter of paying for the unborn child. In other words, a teenage girl, who is not on welfare, becomes pregnant. She lives with her two parents who are working and have income; they are not on welfare. Yet, she goes and applies for

welfare for the unborn child and gets \$173 a month, which is more money than the girl ever had in her life, and which compares favorably with what her sister can earn working at the five and ten.

It is a ridiculous misuse of public money. The Department has been doing it and has steadfastly refused to look into the matter or to take any other position.

Mr. President, the reason the pharmacists are unpaid is because the Department has spent it in so many other directions. To anybody who might be interested, I would be happy to give more examples.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 20, 1978

- | | |
|---|-----------------------------|
| 9:30 A.M. FINANCE (to consider Senate Bills No. 889, 890, 891, 1271, 1383, 1450 and House Bill No. 80) | Room 633 |
| 10:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 979) | Senate Majority Caucus Room |
| 11:00 A.M. JUDICIARY (Hearing on the nominations for Judges to the Commonwealth Court of David W. Craig, Allegheny County and John A. MacPhail, Adams County also to consider Senate Bill No. 1512) | Senate Minority Caucus Room |
| 11:00 A.M. CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS (to consider Senate Bill No. 1545 and House Bill No. 1490) | Room 350 |

- | | |
|--|---------------------------------|
| 11:30 A.M. LABOR AND INDUSTRY (recessed meeting will reconvene to consider Senate Bills No. 1526, 1544; House Bill No. 2420 and Senate Resolution No. 219) | Room 286 |
| 12:00 Noon RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 107, 108 and certain Executive Nominations) | Rules Committee Conference Room |
| 4:00 P.M. APPROPRIATIONS (to consider previously tabled bills, House bill No. 629 and 1885) | Room 350 |

WEDNESDAY, JUNE 21, 1978

- | | |
|--|-----------------------------|
| 10:30 A.M. LAW AND JUSTICE (to consider Senate Bill No. 1536 and House Bill No. 1493) | Senate Majority Caucus Room |
| 11:30 A.M. URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1538; House Bills No. 1937 and 2343) | Room 168 |

TUESDAY, JUNE 27, 1978

- | | |
|--|---|
| 10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to review the state-funded urban renewal project in Jim Thorpe) | Council Room, Borough Hall, Jim Thorpe, PA. |
| 4:00 P.M. | |

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 20, 1978, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:55 p.m., Eastern Daylight Saving Time.