

Legislative Journal

WEDNESDAY, JUNE 21, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 38

SENATE

WEDNESDAY, June 21, 1978.

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK GRUELLE, JR.:

Our Lord and our God, as we begin another day, we do not know what will happen to us today, but what we do know is that nothing will happen to us which has not been foreseen in Thy infinite goodness. This is enough to bring us peace. We adore Thee and Thy wisdom and love. We commend ourselves into Thy hands with complete trust. Amen.

JOURNAL APPROVED

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

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

REQUEST FOR LEGISLATIVE LEAVE

Senator KELLEY. Mr. President, during the day I may intermittently be absent attending a meeting of the Historical and Museum Commission in my capacity as a Senate Member. When I am absent, I would like to have a legislative leave of absence and be voted by the Majority Leader.

The PRESIDENT. For legislative purposes?

Senator KELLEY. Yes, sir.

The PRESIDENT. And who will vote you, Senator?

Senator KELLEY. The Majority Leader, Mr. President.

The PRESIDENT. Senator Messinger. Without objection, a prospective legislative leave of absence will be granted while Senator Kelley attends to his legislative duties.

COMMUNICATION FROM THE GOVERNOR

APPROVAL OF SENATE BILL

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

advising that the following Senate Bill had been approved and signed by the Governor:

SB 74.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1097**, which was referred to the Committee on Agriculture and Rural Affairs.

He also presented for concurrence **HB 2185**, which was referred to the Committee on Constitutional Changes and Federal Relations.

He also presented for concurrence **HB 2305**, which was referred to the Committee on Law and Justice.

He also presented for concurrence **HB 169** and **1836**, which were referred to the Committee on State Government.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 521** and **1254**, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 521 and **1254**.

BILLS INTRODUCED AND REFERRED

Senator MELLOW presented to the Chair **SB 1551**, entitled:

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), entitled "Civil Service Act," redesignating workmen's compensation referees as compensation judges.

Which was committed to the Committee on Labor and Industry.

He also presented to the Chair **SB 1552**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," redesignating "Workmen's Compensation Referees" as "Compensation Judges."

Which was committed to the Committee on Labor and Industry.

Senator BELL presented to the Chair **SB 1553**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1534, No. 536), entitled, as amended, "Rent Withholding Act," extending its application to include boroughs.

Which was committed to the Committee on Urban Affairs and Housing.

Senators KUSSE, TILGHMAN and HAGER presented to the Chair **SB 1554**, entitled:

A Supplement to the act of July 9, 1976 (P. L. 857, No. 154), entitled "An act providing for the capital budget for the fiscal year 1976-1977," itemizing an additional public improvement project to be constructed by the Department of General Services, together with its estimated financial cost, authorizing the incurring of debt for the project without approval of the electors to complete the project, stating the estimated useful life of such project and making an appropriation.

Which was committed to the Committee on Appropriations.

PERMISSION TO ADDRESS SENATE

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

Senator O'PAKE. Mr. President, on behalf of the Special Senate Committee to investigate drug laws in Pennsylvania, I offer a series of bills.

BILLS INTRODUCED AND REFERRED

Senators O'PAKE, HOWARD, STAPLETON, GURZENDA, DOUGHERTY, GEKAS, HOPPER and ROMANELLI presented to the Chair **SB 1555**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the sales tax on certain controlled substances, drugs, devices and cosmetics.

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

Senators O'PAKE, STAPLETON, GURZENDA, DOUGHERTY, GEKAS, HOPPER AND ROMANELLI presented to the Chair **SB 1556**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," excluding a practitioner from probation without verdict.

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

Senators O'PAKE, HOWARD, STAPLETON, GURZENDA, DOUGHERTY, GEKAS, HOPPER and ROMANELLI presented to the Chair **SB 1557**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing a penalty for selling a nonproprietary drug without a prescription.

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

They also presented to the Chair **SB 1558**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing a penalty for attempting to acquire or obtain possession of a controlled substance.

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

They also presented to the Chair **SB 1559**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," changing provisions relating to distributions to persons under age eighteen.

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

They also presented to the Chair **SB 1560**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for the suspension or revocation of a practitioner's license.

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

They also presented to the Chair **SB 1561**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing a penalty for retailer failing to register or obtain a license.

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

They also presented to the Chair **SB 1562**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing a period of time for initiating process of seizure.

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

They also presented to the Chair **SB 1563**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for a physician acting within a doctor-patient relationship as to the administration, dispensing, delivery, gift or prescription of any controlled substance.

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

They also presented to the Chair **SB 1564**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," clarifying the penalty for the manufacture, delivery or possession of a controlled substance.

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

Senators O'PAKE, STAPLETON, GURZENDA, DOUGHERTY, GEKAS, HOPPER and ROMANELLI presented to the Chair **SB 1565**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," prohibiting the acquisition, receipt, possession, storage, sale or distribution of controlled paraphernalia.

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

Senators O'PAKE, HOWARD, STAPLETON, GURZENDA, DOUGHERTY, GEKAS, HOPPER and ROMANELLI presented to the Chair **SB 1566**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing for issuance of prescriptions for controlled or counterfeit substances.

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

VISITORS WELCOMED TO THE SENATE BY THE PRESIDENT

The PRESIDENT. Before proceeding to the consideration of today's Calendar, the Chair notes the presence of several visitors in the gallery and wants to take this opportunity to advise both you, who are visiting, and any of the Members who may be in their offices what will happen over the next several hours.

It is the intention of the Senate to momentarily take a brief recess. The Members of the Republican caucus want to interview two nominees at 10:30 a.m. to a very high judicial position in Pennsylvania. Then, at 11:00 o'clock, we will be returning to the floor to begin to vote on a long series of bills which will keep the Senate busy for quite some time today.

We wanted you to know that so you understood that many of the Members are still in their offices awaiting those caucuses.

RECESS

Senator HAGER. Mr. President, I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately in our caucus room to the rear of the Senate Chamber and also, to remind all the Members that Mr. David W. Craig and Judge John A. MacPhail will be with us at 10:30 a.m. We invite all the Members, Democrat as well as Republican, who would like to meet with them to come to our caucus room at that time.

Senator MESSINGER. Mr. President, I would request an immediate caucus of the Democratic Senators in the Rules room and any of those who wish to join in the interviewing of the judges may skip our caucus.

The PRESIDENT. With the understanding that we will return promptly at 11:00 o'clock in order to begin what will be a long day's work, the Chair will declare a recess for the purpose of immediate caucuses. The Democrats will meet in the Rules Committee room and the Republicans will meet in their regular caucus room.

At 10:30 a.m. the two nominees for the Commonwealth Court will be present in the Republican caucus room. The

Democratic Members have been invited by Senator Hager to join in those interviews.

The Senate stands in recess until 11:00 o'clock, promptly, this morning.

AFTER RECESS

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

REPORTS FROM COMMITTEE

Senator ORLANDO, by unanimous consent, from the Committee on Finance, rereported, as amended, **SB 889** and **891**; reported, as committed, **SB 1383** and **HB 80**; as amended, **SB 890**, **1271** and **1450**.

CALENDAR

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 470 (Pr. No. 3336) — Senator MESSINGER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 470, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225 No. 316), further regulating the use of recorded calls or sounds or electronically amplified imitations of calls or sounds for use in hunting any wild birds or wild animals.

On the question,

Will the Senate agree to the motion?

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

YEAS—46

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

NAYS—0

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

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

HB 858 (Pr. No. 3337) — Senator MESSINGER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 858, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323 No. 130), further authorizing county commissioners to make grants or appropriations to historical societies.

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

Senator STAUFFER. Mr. President, I would just like to call to the attention of the Members that when House Bill No. 858 was originally considered by the Senate, it provided that the grants which counties may make to historical societies could be given to whichever and as many different historical societies as each county chose. The conference committee version which is before us provides that the grant may only be given to a single recipient and that recipient must be the oldest historical society in that county. This takes away that flexibility which we had endeavored to provide when we originally considered the legislation. I thought the Members should be aware of this.

Senator KELLEY. Mr. President, along the lines suggested by the gentleman from Chester, Senator Stauffer, it should be pointed out that the other Body has an amendment under consideration now to the second-class county codes which does provide the language the gentleman referred to as originally being in this bill.

I believe that this contrast, by legislative expression, differentiating discretion between the county commissioners of the second class and the general county code is the kind of thing which is frustrating people in the Commonwealth because this is an area where no discretion or no distinction, a difference of discretion, is justified. We should have it one way for all the counties in order to at least be consistent.

I join the gentleman and, for that reason, I will vote in the negative.

Senator HAGER. Mr. President, I believe this whole matter began with a Senate bill which I introduced last year for the express purpose of providing that flexibility. In many, many counties the oldest historical society may not be the major historical society. In others, there are numerous historical societies which the county commissioners would like to support. This does exactly the opposite.

Mr. President, I would ask for a "no" vote on the motion to adopt.

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—29

Arlene,	Howard,	Messinger,	Romanelli,
Coppersmith,	Kusse,	Moore,	Ross,
Corman,	Lewis,	Murray,	Scanlon,
Dougherty,	Lynch,	Noszka,	Smith,
Duffield,	McCormack,	O'Pake,	Stapleton,
Fumo,	McKinney,	Orlando,	Stout,
Gurzenda,	Mellow,	Reibman,	Zemprelli,
Hankins,			

NAYS—18

Andrews,	Hager,	Kelley,	Snyder,
Bell,	Hess,	Manbeck,	Stauffer,
Dwyer,	Holl,	Nolan,	Sweeney,
Early,	Hopper,	Schaefer,	Tilghman,
Gekas,	Jubelirer,		

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

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 586 (Pr. No. 1727) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 586.

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

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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 inform the House of Representatives accordingly.

SB 967 (Pr. No. 1494) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 967.

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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 inform the House of Representatives accordingly.

BILLS OVER IN ORDER

SB 1042 and 1180 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2454 (Pr. No. 3188) — 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—47

Table listing names of Senators in support of HB 2454: Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lynch, Manbeck, McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli.

NAYS—0

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

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

HB 2514 (Pr. No. 3450) — 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

Table listing names of Senators in support of HB 2514: Andrews, Arlene, Bell, Coppersmith, Hager, Hankins, Hess, Holl, McCormack, McKinney, Mellow, Messinger, Ross, Scanlon, Schaefer, Smith.

Table listing names of Senators in support of HB 2515: Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lynch, Manbeck, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli.

NAYS—0

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

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

HB 2515 (Pr. No. 3451) — Considered the third time and agreed to,

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

On the question, Will the bill pass finally?

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

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

Senator SMITH. I will, Mr. President.

Senator REIBMAN. Mr. President, I ask the gentleman to refer to page 12 of House Bill No. 2515, lines 14 to 21, which have been stricken. This is the item dealing with small business development centers. The appropriation originally was \$4.2 million.

Will the gentleman explain to me why this was omitted?

Senator SMITH. Mr. President, if the lady will forgive me, I do not have a copy of the bill in my possession. I will get one and answer the question.

Mr. President, the reason for the deletion of the \$4.2 million is simply that the Federal Congress has not appropriated the money. Once it has been appropriated a supplemental bill will be put forward at the time we have the money.

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—47

Table listing names of Senators in support of HB 2514: Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lynch, Manbeck, McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli.

NAYS—0

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

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

HB 2518 (Pr. No. 3278) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 217 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS OVER IN ORDER TEMPORARILY

HB 489 and **SB 585** — Without objection, the bills were passed over in their order temporarily at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	McKinney,	Ross,
Arlene,	Hankins,	Mellow,	Scanlon,
Bell,	Hess,	Messinger,	Schaefer,

Coppersmith,	Holl,	Moore,	Smith,
Corman,	Hopper,	Murray,	Snyder,
Dougherty,	Howard,	Nolan,	Stapleton,
Duffield,	Jubelirer,	Noszka,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Stout,
Early,	Lewis,	Orlando,	Sweeney,
Fumo,	Lynch,	Reibman,	Tilghman,
Gekas,	Manbeck,	Romanelli,	Zemprelli,
Guizenda,	McCormack,		

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 without amendments.

BILL LAID ON THE TABLE

SB 917 (Pr. No. 1877) — Upon motion of Senator MESSINGER, and agreed to, the bill was laid on the table.

BILL OVER IN ORDER

HB 920 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 983 (Pr. No. 1113) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
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 bill to the House of Representatives for concurrence.

SB 1053 (Pr. No. 1237) — 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—43

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

NAYS—4

Duffield,	Lewis,	Smith,	Sweeney,
-----------	--------	--------	----------

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

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

BILL RECOMMITTED

SB 1056 (Pr. No. 1957) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Finance.

BILLS OVER IN ORDER

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

BILL OVER IN ORDER TEMPORARILY

HB 1171 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1185 (Pr. No. 1427) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
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 bill to the House of Representatives for concurrence.

HB 1187 (Pr. No. 1399) — 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—32

Arlene,	Hager,	Mellow,	Romanelli,
Bell,	Hankins,	Messinger,	Ross,
Coppersmith,	Holl,	Murray,	Scanlon,
Dougherty,	Jubelirer,	Nolan,	Schaefer,
Duffield,	Lewis,	Noszka,	Smith,
Dwyer,	Lynch,	O'Pake,	Stapleton,
Early,	McCormack,	Orlando,	Sweeney,
Fumo,	McKinney,	Reibman,	Zemprelli,

NAYS—15

Andrews,	Hess,	Kusse,	Stauffer,
Corman,	Hopper,	Manbeck,	Stout,
Gekas,	Howard,	Moore,	Tilghman,
Guizenda,	Kelley,	Snyder,	

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.

RECESS

Senator MESSINGER, Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room and a meeting of the Committee on Environmental Resources in the Minority caucus room, with the expectation of returning to the floor at 12:45 p.m.

The PRESIDENT. At the request of Senator Messinger the members of the Committee on Rules and Executive Nominations will kindly meet immediately in the Rules Committee room.

Senator MELLOW. Mr. President, the Committee on Environmental Resources, which meeting is in recess, will also reconvene in the Minority caucus room.

The PRESIDENT. Senator Mellow asks that the members of the Committee on Environmental Resources resume their recessed meeting immediately in the Minority caucus room.

The Senate will reconvene at 12:45 this afternoon.

AFTER RECESS

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate SB 645 and 976, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

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

HB 1964 and 2462.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator MESSINGER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, Serial No. 109, entitled:

Senate Committee on Education instructed to investigate purchase of school buses by school district.

He also, from the Committee on Rules and Executive Nominations, reported with amendment, Senate Resolution, Serial No. 111, entitled:

Directing the President of the Senate to take necessary steps to recover certain sum of money from former Senator Cianfrani.

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

REPORT FROM COMMITTEE

Senator MELLOW, by unanimous consent, from the Committee on Environmental Resources, reported, as committed, **HB 2520.**

CONSIDERATION OF CLAEANDAR RESUMED

HB 1528 CALLED UP OUT OF ORDER

HB 1528 (Pr. No. 3462) — 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 1528 (Pr. No. 3462) — 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—43

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

NAYS—3

Bell, Coppersmith, Dwyer,

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 2292 CALLED UP OUT OF ORDER

HB 2292 (Pr. No. 2918) — Without objection, the bill was called up out of order, from page 12 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2292 (Pr. No. 2918) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—0

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

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

HB 2528 CALLED UP OUT OF ORDER

HB 2528 (Pr. No. 3420) — Without objection, the bill was called up out of order, from page 13 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2528 (Pr. No. 3420) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

Andrews,	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,	Kusse,	Noszka,	Stout,
Early,	Lewis,	O'Pake,	Sweeney,
Fumo,	Lynch,	Orlando,	Tilghman,
Gurzenda,	Manbeck,	Reibman,	Zemprelli,

NAYS—2

Gekas, 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 without amendments.

BILL OVER IN ORDER

HB 1220 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL REREFERRED ON FINAL PASSAGE

SB 1266 (Pr. No. 1963) — 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 GEKAS. Mr. President, Senate Bill No. 1266 purports to do something about the blood banks and reciprocity and various other complex problems having to do with the availability of blood, transfusions and all of the attendant difficulties in that field.

I want to bring to the attention of the Members of the Senate that back in 1972, the Act of December 6, 1972, the General Assembly created an act covering the entire subject matter which is contemplated in the present bill. Yet, this present bill goes outside of the purview of that original legislation.

Just to give the Members an idea what the Act of 1972 covered, through its title, let me read that to you briefly. It is an act defining blood banks, serum exchanges, blood bank depositories, blood fractionization, blood products operation; regulating the operations of same, requiring such organizations to obtain licenses to engage in these activities, requiring mini-

mal standards of operation, qualification of supervising personnel, et cetera, et cetera, et cetera.

The bill which became the Act of 1972 was monitored and gotten through the General Assembly through the Senate Committee on Public Health and Welfare, which considered the entire purview of problems inherent in this entire complexity.

The present bill, Senate Bill No. 1266, seeks to attack one of those problems, reciprocity and nonreplacement fees. I would like very much to see the whole problem reattacked by the Senate Committee on Public Health and Welfare.

MOTION TO REREFER

Senator GEKAS. Mr. President, I now move that Senate Bill No. 1266 be rereferred to the Committee on Public Health and Welfare.

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

PARLIAMENTARY INQUIRY

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

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

Senator BELL. Mr. President, following the debate by the gentleman from Dauphin, Senator Gekas, does his immediate motion preclude anybody having the right to answer him?

The PRESIDENT. I will not permit any debate on the substantive nature of the bill, only upon the motion to rerefer the bill to committee.

Senator BELL. Mr. President, I move to table this motion.

The PRESIDENT. The Chair rules that a motion to refer to committee may not be laid on the table.

The question before the Senate is, will the Senate agree to the motion to rerefer the bill to the Committee on Public Health and Welfare?

Senator BELL. Mr. President, on behalf of the absent chairman of the Committee on Consumer Affairs, I have been authorized by the Majority chairman to oppose this motion. I am now speaking as the Minority chairman.

I know I am out of order but this bill was thoroughly heard by the Committee on Consumer Affairs.

Senator McCORMACK. Mr. President, I realize that this motion is not debatable. However, I agree with the gentleman from Delaware, Senator Bell. As I understood it, the gentleman from Northumberland, Senator Kury, wanted this bill run and if it were defeated, then he wanted us to reconsider the vote, but certainly he did not want a motion to recommit.

I therefore ask for a roll call vote on the motion.

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

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

YEAS—32

Arlene,	Hager,	Lynch,	Orlando,
Coppersmith,	Hankins,	Manbeck,	Reibman,

Corman,	Hess,	Mellow,	Ross,
Dougherty,	Hopper,	Messinger,	Scanlon,
Duffield,	Howard,	Moore,	Smith,
Early,	Jubelirer,	Nolan,	Snyder,
Fumo,	Kelley,	Noszka,	Stout,
Gekas,	Kusse,	O'Pake,	Zemprelli,

NAYS—14

Andrews,	Holl,	Murray,	Stauffer,
Bell,	Lewis,	Schaefer,	Sweeney,
Dwyer,	McCormack,	Stapleton,	Tilghman,
Guزندا,	McKinney,		

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

The PRESIDENT. Senate Bill No. 1266 is rereferred to the Committee on Public Health and Welfare on final passage.

PERMISSION TO ADDRESS SENATE

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

Senator O'PAKE. Mr. President, I would like to, at this time, make two requests. Number one, that my name be deleted as a sponsor on Senate Bill No. 1266, since it is going back to committee. There have been substantial amendments to that bill. Secondly, I would like to request a half hour recess so that the Senate Committee on Judiciary can conduct a hearing on the nominations of six nominees to the Allegheny County Bench. The hearing was scheduled for 1:00 o'clock. All six nominees are there. Since the members of the Committee on Judiciary probably want to be at that hearing, I do not believe any roll calls should be taken while we are absent.

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

(The Senate was at ease.)

Senator O'PAKE. Mr. President, I will withdraw my request for a recess at this time and ask that the members of the Committee on Judiciary meet immediately after Session, which I understand will be no later than 2:00 o'clock. I would ask the six nominees to wait around until that time.

The PRESIDENT. Senator, I think the estimate is correct if the Members will cooperate. We are pretty well set on a course now working to finish the Calendar and I think we can get it done, certainly in time for 2:00 o'clock, which should not inconvenience those judicial nominees, nor anyone else.

If the Members will please take their seats we will get on with the business of concluding the Calendar.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1295 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1341 (Pr. No. 1976) — 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 HAGER. Mr. President, for the Members who are on or off the floor because of the proposed meeting of the Committee on Judiciary, this is the bill which includes studded tires for a number of people, including morticians.

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

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

NAYS—18

Gekas,	Lewis,	Murray,	Reibman,
Hager,	Lynch,	Nolan,	Ross,
Hopper,	Manbeck,	Noszka,	Scanlon,
Howard,	McCormack,	O'Pake,	Smith,
Jubelirer,	Mellow,		

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

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

SB 1360 (Pr. No. 1715) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Guزندا,	Manbeck,		

NAYS—0

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

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

BILL REREFERRED

SB 1415 (Pr. No. 1938) — Upon motion of Senator MESSINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1419 (Pr. No. 1797) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator HOPPER. 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—39

Andrews,	Gurzenda,	McCormack,	Reibman,
Arlene,	Hager,	McKinney,	Ross,
Bell,	Hankins,	Mellow,	Scanlon,
Coppersmith,	Holl,	Messinger,	Schaefer,
Corman,	Hopper,	Moore,	Smith,
Dougerty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Nolan,	Stout,
Dwyer,	Lewis,	Noszka,	Sweeney,
Early,	Lynch,	O'Pake,	Zemprelli,
Fumo,	Manbeck,	Orlando,	

NAYS—7

Gekas,	Kelley,	Snyder,	Tilghman,
Hess,	Kusse,	Stauffer,	

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

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

SB 1427 (Pr. No. 1805) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—0

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

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

SB 1428 (Pr. No. 2000) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Bell,

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

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

SB 1434 (Pr. No. 1940) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—0

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

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

SB 1436 (Pr. No. 1993) — 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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
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 bill to the House of Representatives for concurrence.

SB 1446 (Pr. No. 1961) — 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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
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 bill to the House of Representatives for concurrence.

BILL OVER IN ORDER TEMPORARILY

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1456 (Pr. No. 1977) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—1

Coppersmith,

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

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

SB 1458 (Pr. No. 1978) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—1

Coppersmith,

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

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

BILLS OVER IN ORDER

SB 1477 (Pr. No. 2010) — Considered the third time,

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

Senator MESSINGER. Mr. President, it is my understanding that the Members do not have the proper printer's number on Senate Bill No. 1477. Therefore, I request that the bill go over in its order.

Senator HAGER. I believe, if the Members will look on their desks, the proper printer's number should be on each desk. They were distributed late.

MOTION FOR BILL OVER IN ORDER

Senator DUFFIELD. Mr. President, I move the bill go over in its order.

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

Senator HAGER. Mr. President, I would object to the bill going over in its order and ask that it go over temporarily if that would be all right with the gentleman.

Senator DUFFIELD. Mr. President, the gentleman from Bucks, Senator Lewis, is the sponsor of this bill. There is some language in the bill on which the Committee on Local Government is working at the present time to make the bill more palatable. The bill is on its eighth day on the Calendar and I believe we will be ready by the first of next week to work on it.

Senator LEWIS. Mr. President, I rise to support the motion made by the gentleman from Fayette, Senator Duffield. There were significant amendments offered by me yesterday. Because of the confusion with the Calendars, both yesterday and again this morning, I am certain none of the Members have had the chance to study this amended version as they should. It is an extremely important bill and I see no harm in having it go over until our next Session day.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

The PRESIDENT. Senate Bill No. 1477 will go over in its order.

SB 1481 and 1485 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1506 (Pr. No. 1999) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, this bill was before us last week when, there was some indication of strong feelings in the

debate which took place. The debate seemed to center around the idea of the purity of the system of the Democratic and Republican application to the judiciary.

On the other hand, there were Members who spoke in terms which seemed to say that this was the better way to obtain more qualified members of the judiciary. Some Members even said something about the electoral process being a joke. I do not know how any of us can talk in those terms. Of course, we can all sit back individually and say it, but in a democracy I do not know that we can say that anything the people do or not do is a joke.

As long as this system in this Commonwealth provides for the election of the members of the judiciary, I believe we should then adhere to that principle. We have deviated in a slight degree on the retention concept and I believe that should be very, very limited.

If the Members would direct their attention to the original enabling legislation for the Commonwealth Court, they would see that there were specific provisions where the members would all have to stand initially for election after their terms. Why should we deviate from the original spirit of the enabling legislation?

I say it is a very dangerous thing and I would urge my colleagues, especially those who, today, vote any differently than they did last week, to stand up and say why. They may even convince me.

Senator BELL. Mr. President, we went into this matter at great length last week and the only thing I would like to add is that I did not correctly state that no judge of the Commonwealth Court had been elected. I was informed by my friend, Genevieve Blatt, that she and Judge Rogers did stand for election, but apparently the Republican and Democrat State Committees made a deal so that there was only one Republican and one Democrat who stood for election and you could not vote for more than one in the General Election.

However, I believe the Commonwealth Court is too important a Court to have people appointed and then continue to run on retention elections. Frankly, the people in my Senatorial District should have a right to vote on these judges on their merits. I think this applies to every Senator in this Chamber. Each Member should be jealous of the rights of his people to select their judges, not have them appointed by a Governor regardless of political party.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator MELLOW. 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—28

Andrews,	Gurzenda,	Moore,	Scanlon,
Arlene,	Hankins,	Murray,	Smith,
Coppersmith,	Lynch,	Noszka,	Snyder,
Duffield,	Manbeck,	O'Pake,	Stapleton,
Dwyer,	McCormack,	Orlando,	Stauffer,
Early,	McKinney,	Romanelli,	Stout,
Fumo,	Messinger,	Ross,	Zemprelli,

NAYS—18

Bell,	Hess,	Kelley,	Reibman,
Corman,	Holl,	Kusse,	Schaefer,
Dougherty,	Hopper,	Lewis,	Sweeney,
Gekas,	Howard,	Mellow,	Tilghman,
Hager,	Jubelirer,		

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.

MOTION TO RECONSIDER SENATE BILL NO. 1506

Senator ROMANELLI. Mr. President, prior to the recess I was informed that Senate Bill No. 1506 would be recommitted. I had amendments to Senate Bill No. 1506 which were going to be inserted into the bill in committee. I apologize for being late; I had to attend a meeting in Hershey. When I returned, I learned that the bill was being voted on as I came in. Therefore, Mr. President, I would like to move that the vote by which Senate Bill No. 1506 passed be reconsidered so that I may have the opportunity to amend the bill.

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

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

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I would only suggest that this is the second time it has been requested to reconsider this bill. The bill was up before and we moved to reconsider it. This would be the second time it has been moved to be reconsidered. I would ask the Chair whether or not there is a Rule which would govern the number of times a bill may be called for reconsideration.

The PRESIDENT. It may be reconsidered twice, Senator. This will be the second time. You have one more shot at it and then it is all gone.

Senator ZEMPRELLI. Mr. President, on the motion to reconsider I would ask for a roll call vote.

Senator COPPERSMITH. Mr. President, I am in favor of the bill and I will vote for it again. However, may I suggest to the gentleman from Allegheny, Senator Zemprelli, that we have a custom to allow automatic reconsideration and we could run the roll call again. I would hate to see us break with a tradition which has existed in this Body.

Senator ZEMPRELLI. Mr. President, I did not mean to infer anything other than to call the attention of the Body to the fact that the bill had been called for reconsideration once before. I do not believe I expressed that view.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Montgomery, Senator Tilghman, will state it.

Senator TILGHMAN. Mr. President, I feel it is important for us to know what the amendments are about as to how we will vote on reconsideration. May we discuss the amendments?

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

Senator TILGHMAN. Mr. President, they may be amendments we all will like; perhaps they are amendments we will all hate.

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

(The Senate was at ease.)

The PRESIDENT. There is a question before the floor. If you want to ask to be at ease to study the amendments in order to—

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

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

(The Senate was at ease.)

The PRESIDENT. Will Senator Romanelli come forward and explain to anyone who may want to hear what he has to say, outside the context of the official record, about what these amendments may do?

Senator ZEMPRELLI. Mr. President, I understand the amendments of the gentleman from Allegheny, Senator Romanelli, would be in the nature of removing the prohibition which has been established by the Supreme Court.

The PRESIDENT. Senator, I am compelled to rule you out of order. That is not a proper debate. The only question now is whether we reconsider the bill for the purpose of amendments, and the substantive nature of the amendments would not be in order for discussion.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, the point I would make is simply this: If the bill is being reconsidered at this time and the amendments are offered and the amendments are defeated, would then in fact the bill be in order to be considered on the former roll call or would it have to be voted again or would it have to go over in its order?

The PRESIDENT. The bill would have to be voted again, but it could be immediately reconsidered, Senator.

Senator ZEMPRELLI. Then, Mr. President, may I be recognized for that purpose depending upon the consideration of the amendments?

The PRESIDENT. That is a fair request, Senator.

Senator McKINNEY. Mr. President, I think I have the solution which would make the question of the gentleman from Allegheny, Senator Zemprelli, a moot question.

There is a bill in my committee that does the thing which the amendments of the gentleman from Allegheny, Senator Romanelli, would do. I have agreed to call a meeting off the floor, perhaps sometime this afternoon, to attempt to bring that bill out of committee if, indeed, he will withdraw his motion.

MOTION WITHDRAWN

Senator ROMANELLI. Mr. President, under those circumstances and in order not to cause any further difficulty on Senate Bill No. 1506, I will withdraw my motion.

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, may a committee meeting be called off the floor to consider a bill for which no notice has been given under the Sunshine Law?

The PRESIDENT. Without objection, it could be, Senator.

Senator BELL. Mr. President, does the Chair mean we can avoid or evade a statute?

The PRESIDENT. Senator, that is a question I would have to study. We will be at ease for just a minute.

(The Senate was at ease.)

The PRESIDENT. In accordance with the statute, it would be the opinion of the Chair that such a meeting, without proper notice, could not be called off the floor.

Senator McKINNEY. Mr. President, the Committee on State Government is now in recess.

The PRESIDENT. Unless I hear otherwise, Senate Bill No. 1506 has passed the Senate and will be sent to the House of Representatives for its concurrence.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1519 (Pr. No. 1937) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 bill to the House of Representatives for concurrence.

HB 1572 (Pr. No. 3414) — 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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 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.

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, had I been on the floor, I would have voted in the affirmative on the following bills: Senate Bill No. 1341, Senate Bill No. 1360, Senate Bill No. 1419, Senate Bill No. 1427, Senate Bill No. 1428 and Senate Bill No. 1434.

The PRESIDENT. The gentleman's remarks will be noted in the record.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1684 (Pr. No. 2684) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1685 (Pr. No. 2685) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1718 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1731 (Pr. No. 3395) — 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 SMITH. Mr. President, I move that House Bill No. 1731 revert to the form it was in under Printer's No. 3017.

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

Senator STAUFFER. Mr. President, I would like to rise in opposition to the motion made by the gentleman from Philadelphia, Senator Smith, to revert to the prior printer's number.

To refresh the memories of the Members, the amendment which was inserted into this bill provides that the budget of the Public Utility Commission would be returned for consideration and approval by the General Assembly, as was the case for many years before a change was made a few years ago.

We recognize when that change was made, a very important power of the General Assembly was taken away. I believe the amended version, at that time, placed the power of setting the budget of the Public Utility Commission in the hands of the Commission and the Chairmen of the Committees on Appropriations of the Senate and the House of Representatives. I have great respect for the Chairmen of the Committees on Appropriations, but I recognize also that we are disenfranchising ourselves, as Members of the General Assembly, by reverting and giving that power to just those few individuals.

For that reason, Mr. President, I believe that in order that we may exercise our proper powers as elected officials of this Commonwealth in participating in the budget process, we should jealously guard the right we have in this bill which is before us, as amended in Printer's No. 3395. We should retain that and not revert to the prior printer's number.

Senator HAGER. Mr. President, I would merely like to ask for a vote against this motion. We debated this last week and it is pretty obvious that this issue was as much concern to Members back when it was first done as it is now.

I have before me, for instance, the very eloquent comments of the gentleman from Cambria, Senator Coppersmith, at the time who said, in his view, it was unconstitutional then. I suspect he feels the same way now.

We should not be handing out to the Public Utility Commission our duty to oversee appropriations.

I will never forget the response of the gentleman from Philadelphia, Senator Smith, last week when he told us that this Body could not handle it. It was much too complicated and should be done by the Committee on Appropriations.

I just do not see how we can easily give away our responsibilities, particularly when we are talking about a body which intends to see its budget go up almost 300 per cent in the next two or three years. It just seems impossible to me that we should give away that responsibility.

I would ask all the Members to vote against this motion.

Senator SMITH. Mr. President, if I made the statement on the floor to which the gentleman from Lycoming, Senator Hager, referred, I would like to have the gentleman read the statement I made. I just disbelieve that I said that. I do not believe I said that this Body was not capable of adjudicating the budget for the PUC.

If I may, I would like to speak on that original bill which put the PUC in the hands of three people. As I recall at that time—it probably was 1973—we had a Republican PUC and the extension of that was that this bill came into being.

It appears to me that it was convenient for the Republicans, at that time, because it was a Republican PUC. Now I question the Republicans: Is it because it is in the hands of free men that they fear so much? Is it that they fear us because we are free men and stand without commitments to anyone?

Mr. President, I question the motives of the gentleman from Lycoming, Senator Hager, in perverting my thinking and what I said, and I demand that the record be pulled and my statement read on the floor of this Senate.

Senator HAGER. Mr. President, I would concur.

Senator SMITH. Mr. President, I repeat—I say to the gentleman and I say to this entire Body—when the budget for the PUC was put in the hands of free men, they became frightened.

Senator BELL. Mr. President, apparently I am the only person who was on the Committee on Appropriations when we put the power in the hands of, not three men, but one of three men. This was known as the George Bloom amendment and it was George Bloom's way of running things. I do not believe George Bloom is over at the PUC anymore. But, what we are doing by continuing this custom, not putting it in the hands of the gentleman from Philadelphia, Senator Smith, whom I love and think is the finest person in the world, but we are putting it in the hands of one of three, the Governor, or the Chairman of the Committee on Appropriations of the House of Representatives or the Chairman of the Senate Committee on Appropriations.

I agree with the gentleman from Cambria, Senator Copper-smith. By what right do we, the Senate of Pennsylvania, turn over to the Governor the decision as to how much goes into this budget? What right do we, the Senate of Pennsylvania, have to turn over to the Chairman of the Committee on Appropriations of the House the determination of what the budget will be? We are dealing with millions and millions of dollars, and I say this to my fellow Senators: Take pride in yourself and vote to return to yourself something that George Bloom talked us out of.

Senator TILGHMAN. Mr. President, I do not want to delay this. I was on the Committee on Appropriations at that time. George Bloom, with his usual eloquence, talked us into this thing and it was a mistake. That is all that can be said about it. The system has not worked.

I can remember last year and the year before that we specifically wrote into the Public Utility Commission appropriation that they could not do certain things with cars, that they could not buy uniforms and they went right ahead and bought the cars, they bought the fancy uniforms and they just told us where to head in.

Mr. President, I think it is high time that we get a handle on this budget and let 253 people work on it.

Senator DOUGHERTY. Mr. President, I did not intend to speak on this until the gentleman from Philadelphia, Senator Smith, made some comments.

I think we should say on the record that one of the major concerns of the Senate in the last few months has been the Public Utility Commission. It seems ironic to me that we are so concerned about reforming the PUC and yet we give away control of their budget. It would seem to me that if we are really going to exercise any influence or control over the PUC, we certainly should control their budget.

Senator HAGER. Mr. President, if I recall correctly, there was also a request by the gentleman from Philadelphia, Senator Smith, that his remarks of the last debate on this, a week or so ago, be available to the Senate before they vote and I concur in that request.

The PRESIDENT. We will be at ease while we await those remarks.

(The Senate was at ease.)

The PRESIDENT. At the request of Senator Smith and the insistence of Senator Hager the Chair will now read what Senator Smith said during the debate when this bill was considered some time ago.

“Senator SMITH. Mr. President, I rise to oppose the amendments to the bill. We had experience with this during the last two fiscal years. There are twenty-one members of the Committee on Appropriations, all have had input into the budget. We have done an in-depth study of the PUC and I believe that we recently separated the Consumer Advocate from the PUC budget. Each will stand on its own.

“I feel confident, Mr. President, that the present system is a better and a far reaching understanding of the Public Utility Commission budget by the members of the Committee on Appropriations who are in a position to understand and adjudicate their needs and wants.

“Therefore, I rise to oppose the amendments.”

End of Senator Smith's statement on the bill.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—16

Arlene, Duffield, Fumo, Hankins,	Lynch, McCormack, McKinney, Messinger,	Murray, Nolan, Noszka, Orlando,	Romanelli, Ross, Scanlon, Smith,
---	---	--	---

NAYS—31

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Early, Gekas,	Gurzenda, Hager, Hess, Holl, Hopper, Howard, Jubelirer, Kelley,	Kusse, Lewis, Manbeck, Mellow, Moore, O'Pake, Reibman, Schaefer,	Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli,
--	--	---	---

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

YEAS—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 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 1823 (Pr. No. 2514) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 489 CALLED UP

HB 489 (Pr. No. 3394) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 489 (Pr. No. 3394) — 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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1838 (Pr. No. 2797) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

HB 1855 (Pr. No. 2263) — Upon motion of Senator MESSINGER, and agreed to, the bill was recommitted to the Committee on Constitutional Changes and Federal Relations.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1888 (Pr. No. 2318) — 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—47

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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 1926 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2301 (Pr. No. 3454) — 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,	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,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	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 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 2302 (Pr. No. 3455) — 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—36

Andrews,	Hankins,	Messinger,	Scanlon,
Arlene,	Holl,	Murray,	Schaefer,
Bell,	Kelley,	Nolan,	Smith,
Coppersmith,	Lewis,	Noszka,	Stapleton,
Dougherty,	Lynch,	O'Pake,	Stauffer,
Duffield,	Manbeck,	Orlando,	Stout,
Dwyer,	McCormack,	Reibman,	Sweeney,
Fumo,	McKinney,	Romanelli,	Tilghman,
Gurzenda,	Mellow,	Ross,	Zemprelli,

NAYS—11

Corman,	Hager,	Howard,	Moore,
Early,	Hess,	Jubelirer,	Snyder,
Gekas,	Hopper,	Kusse,	

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

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

SB 585 CALLED UP

SB 585 (Pr. No. 1447) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 585 (Pr. No. 1447) — Considered the third time,

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

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

Amend Sec. 11, page 9, line 19, by striking out "STRICT" and inserting: product

Amend Sec. 11, page 9, line 22, by inserting after "TORT": or breach of warranty

Amend Sec. 11, page 9, line 27, by striking out "UNLESS IT WAS AS GREAT AS" and inserting: where it was not greater than

Amend Sec. 11, page 10, by inserting between lines 6 and 7:

(c) Where the recovery is allowed against more than one defendant, each defendant shall be liable for that

proportion of the total dollar amount awarded as damages in the ratio of his responsibility to the amount of responsibility attributed to all defendants against whom recovery is allowed.

(d) As used in this section, "responsibility" means conduct which was a substantial factor in bringing about the harm for which damages are sought.

Amend Sec. 9, page 8, line 17, by inserting after "any": public

Amend Sec. 9, page 8, line 18, by inserting after "plaintiff.": It shall be admissible for the plaintiff to show that such collateral benefits or services received or to be received are subrogable. As used in this section, public collateral benefits or services shall mean those benefits or services that an individual receives or is entitled to receive from social security (except those benefits provided under Title XIX of the Social Security Act and except those medicare benefits to which a person's entitlement depends upon use of his so-called "life-time reserve" of benefit days) workmen's compensation, any State required temporary nonoccupational disability, and all other benefits (except the proceeds of life insurance) received by or available to an individual from any government because of the injury.

On the question,

Will the Senate agree to the amendments?

Senator COPPERSMITH. Mr. President, my two amendments to Senate Bill No. 585 which, I think, both sides have agreed are not controversial. The first changes the comparative responsibility section to conform to the existing comparative negligence act. The second provides that the plaintiff will be allowed to show that the benefits he receives will have to be paid to the subrogee. It allows him to introduce evidence of subrogation.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

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

Amend Title, page 1, line 5, by striking out "AND PROVIDING" and inserting a comma

Amend Title, page 1, line 6, by removing the period after "TRIALS" and inserting: and for reporting requirements.

Amend Bill, page 10, by inserting between line 17 and 18:

Section 13. Reporting requirements.

(a) Within 90 days after the effective date of this act the insurance commissioner shall promulgate rules and regulations instructing all insurers writing product liability coverage within the Commonwealth to report by June 30 of each year all pertinent data relating to the insurer's underwriting and loss experience in the line of business. Such reporting shall to the fullest extent possible include, but not be limited to, data pertaining to earned premiums, both reported and unreported loss reserves, paid losses, and allocated and unallocated loss adjustment expenses. Further, insurers shall to the fullest extent possible file with the commissioner all trended and untrended loss data by product line or classification relating to product liability policies written within the Commonwealth.

(b) The Insurance Commissioner shall, within 60 days of the report submission, report his findings to the members of both House and Senate Insurance and Judiciary Committees.

Amend Sec. 13, page 10, line 18, by striking out "13" and inserting: 14

Amend Sec. 14, page 10, line 23, by striking out "14" and inserting: 15

Amend Sec. 15, page 10, line 27, by striking out "15" and inserting: 16

On the question,

Will the Senate agree to the amendments?

Senator SCHAEFER. Mr. President, I believe the amendments have been agreed to. For the benefit of the Chamber, the proposed amendments are aimed at giving the Insurance Commissioner the authority to begin to require certain information regarding the so-called products liability crisis. This information would include the amounts of premiums, both reported and unreported losses, et cetera, et cetera.

One of the things which came out during the hearings on this bill, which I attended, is that there really is not sufficient information available to people, at least in my opinion, to adequately assess the so-called products liability crisis.

The aim and intent of these amendments is to begin to require that information be gathered and to report the conclusions to the House and Senate Committees on Insurance and Judiciary.

As I indicated before, Mr. President, I believe the amendments have been agreed to.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

MOTION THAT BILL BE LAID ON THE TABLE

Senator MESSINGER. Mr. President, at this time I move that Senate Bill No. 585 be laid on the table.

On the question,

Will the Senate agree to the motion?

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

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

Senator MESSINGER. I will, Mr. President.

Senator SNYDER. Mr. President, in view of the fact that the business community has waited, I believe, almost a year to have this bill acted upon, would the Majority Leader be kind enough to tell us when he contemplates a vote on this measure?

Senator MESSINGER. Mr. President, it is our intent to lift this bill from the table on Monday and consider all the controversial amendments.

Senator SNYDER. Mr. President, can the Majority Leader tell me why there is an objection to considering other amendments at this time?

Senator MESSINGER. Mr. President, I have no objection, but some of the Members feel it will drag out too long.

Senator SNYDER. Mr. President, I would suggest that we are here for just this purpose and I see no reason why we should not continue. I would object to the motion to table the bill and, if necessary, ask for a roll call vote.

Senator STAUFFER. Mr. President, I object to this bill being laid on the table because, since we have just amended it, before the Senate will be able to vote this bill, we are going to have to have the bill reprinted. It would be my judgment that, since we know we have only two days of Session left next week before we recess for the summer, we should have this bill reprinted in order that it would be in a form ready to be voted on Monday.

The PRESIDENT. Senator, the bill will be reprinted and it will repose on the table in its amended form as of this moment.

Senator STAUFFER. Mr. President, the bill will be reprinted with the amendments which were agreed to today?

The PRESIDENT. That is right, Senator. The amendments were agreed to. The motion was made to lay the bill on the table after the amendments. Therefore, before the bills goes on the table it will be reprinted and the amendments, up until this moment, will be included in the bill, Senator.

Senator STAUFFER. May we be at ease for a moment, Mr. President?

The PRESIDENT. We will be at ease.

(The Senate was at ease.)

MOTION WITHDRAWN

Senator MESSINGER. Mr. President, at this time I withdraw my motion to lay the bill on the table and request that the bill go over in its order, as amended.

The PRESIDENT. Without objection, Senate Bill No. 585 will go over, as amended.

HB 1171 CALLED UP

HB 1171 (Pr. No. 3316) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1171 (Pr. No. 3316) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 3, line 3, by inserting after "1340," 1341,

Amend Bill, page 42, by inserting between lines 1 and 2:

§ 1341. Personal plate.

(a) Special plates.—Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers

for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(b) Amateur radio operators.—Upon request by an applicant who holds a valid Federal Communications Commission amateur radio station license, the department shall issue a registration plate which shall carry the call letters of the amateur radio station. The special registration plate shall have the same force and effect as regular registration plates. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

On the question,

Will the Senate agree to the amendments?

Senator DWYER. Mr. President, I would like to explain the amendments briefly. The amendments pertain to the amateur radio operators in the Commonwealth generally referred to as "Ham Operators." This is to distinguish them from the citizens band operators. These are amateur radio operators licensed by the Federal Communications Commissions.

Since 1955 and until 1977, the General Assembly recognized ham radio operators by giving them special license plates and a special fee for the license. The reason ham operators were given a special recognition resulted from their public service in the great flood of 1955 which I believe resulted from Hurricane Hazel in which almost 200 people lost their lives.

In the aftermath of that flood, it was the ham radio operators who came through when the regular channels of communication broke down and twice, in recent years, we have seen the tremendous public service which ham radio operators provide to their fellow citizens in times of tragedy. This was with the Hurricane Agnes Flood of 1972 and, more recently, the tragic Johnstown Flood of last year.

During these times when communications have broken down, ham radio operators have converged on the disaster areas. For instance, several ham radio operators traveled to Johnstown from my area where they set up a communications system in order that the residents of the stricken area could communicate with their relatives and families around the country. It was the only means that families and loved ones from around the Nation had of knowing whether their loved ones in the stricken areas were safe, whether they were injured, whether they were missing or whatever.

As a result of this, as stated before, the General Assembly has recognized them from 1955 until 1977. Unfortunately, the new Vehicle Code which became effective in 1977 removed any mention of ham radio operators. They ask for and would appreciate consideration in recognition of their public service.

The amendments which I have just introduced would provide hams with the recognition they deserve. They would provide that they would have a special license plate which would bear the call numbers of their amateur radio station. These are not vanity plates; they are distinctive automobile tags with their

radio call numbers. In the past they have proven to be a great aid in locating and identifying ham radio operators during emergencies by the State Police, county sheriffs, Red Cross officials, municipal police officers, National Guardsmen and fellow ham operators, who seek them out to provide service in these times of tragedy.

Therefore, Mr. President, I would ask the Senate to accept these amendments which do give recognition to ham radio operators by specifically providing that the Department of Transportation shall issue registration plates which will carry the call letters of the amateur radio station. These would be special plates at the regular cost for the special plates.

Mr. President, I request a roll call vote.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—23

Andrews,	Hager,	Kusse,	Reibman,
Corman,	Hess,	Lewis,	Snyder,
Dougherty,	Holl,	Messinger,	Stout,
Dwyer,	Hopper,	Moore,	Sweeney,
Early,	Howard,	O'Pake,	Tilghman,
Gekas,	Jubelirer,	Orlando,	

NAYS—24

Arlene,	Hankins,	Mellow,	Scanlon,
Bell,	Kelley,	Murray,	Schaefer,
Coppersmith,	Lynch,	Nolan,	Smith,
Duffield,	Manbeck,	Noszka,	Stapleton,
Fumo,	McCormack,	Romanelli,	Stauffer,
Gurzenda,	McKinney,	Ross,	Zemprelli,

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator DWYER. Mr. President, my second amendment was going to provide that ham radio operators could obtain their special plates at a \$12 rate, rather than a \$20 rate in order to extend further recognition to them. Since the failure of the past amendments, which only extended consideration and recognition to them at no cost whatever, I am sure we would not recognize them by giving them a reduced rate either. Therefore, I will not offer the amendments.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 3367), page 132, line 26, by striking out "contest or" and inserting: speed contest or speed

On the question,

Will the Senate agree to the amendment?

Senator MESSINGER. Mr. President, this amendment allows for so-called rallies which are not speed contests. It simply adds the adjective "speed" before the word "contest."

Senator CORMAN. Mr. President, I merely want to inquire again if the gentleman would state where that was in the bill. I want to make sure I understand what it was.

The PRESIDENT. Senator Messinger, Senator Corman requests that you give a further explanation as to the precise location of the amendment in the bill.

Senator MESSINGER. Mr. President, it is on page 132, line 26.

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

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

Senator MESSINGER. I will, Mr. President.

Senator McCORMACK. Mr. President, is the amendment just offered not to be submitted to the Committee of Conference?

Senator MESSINGER. Not necessarily, Mr. President. If we amend it here the amendment, if the bill goes to a Committee of Conference, will be in the bill.

Senator McCORMACK. Mr. President, there are some other amendments I would like to vote for and did not vote for because I thought they would be considered in a Committee of Conference.

Senator MESSINGER. Mr. President, I do not believe there is any assurance that the bill will go to a Committee of Conference. If the gentleman was told that, I certainly did not tell him. According to the Chairman of the Committee on Transportation it is likely that it will, because the House will probably not agree with the amendments put in by the Senate. However, there is no firm commitment that it will go to a Committee of Conference.

Senator McCORMACK. Mr. President, would the gentleman be willing to withdraw this amendment?

Senator MESSINGER. Mr. President, if no one else amends the bill, I would be willing to withdraw the amendment. However, if we are going to accept any other amendments, I will not.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Lebanon, Senator Manbeck, will state it.

Senator MANBECK. Mr. President, it was my understanding that the bill had been amended in committee and that would require it to go to a Committee of Conference.

The PRESIDENT. Is that question directed to the Chair?

Senator MANBECK. Mr. President, it is directed to the Chair.

The PRESIDENT. Certainly not. All we are doing is presiding, Senator. If there is some understanding among the Members or the leadership that this bill will ultimately get into a Committee of Conference, it is something I neither share nor could properly speak upon at the moment.

The House could very easily concur in any amendments the Senate has made to this bill, if they choose to do so.

Senator MANBECK. Mr. President, who has the authority to refer the bill to the Committee of Conference?

The PRESIDENT. The Senate does ultimately. The bill is now in our presence on third consideration. If the Senate amends the bill, it goes back to the House with the information that the Senate has passed the same with amendments in which concurrence of the House is requested. If the House concurs in the amendments then we do not ever see it again, Senator, except to sign it.

Senator MANBECK. Mr. President, as the bill now stands, it was amended in committee. Must it go back to the House?

The PRESIDENT. If it passes the Senate it will go immediately to the House for concurrence in the Senate amendments.

Senator McCORMACK. Mr. President, perhaps I am adding some confusion to what otherwise is apparently a clear picture. I want to dispel any confusion by saying I am being a little clairvoyant and I believe that the House is not going to concur in the Senate amendments. That is the reason. There is no agreement that I know of that it is going to a Committee of Conference, Mr. President.

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

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

YEAS—45

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

NAYS—2

Kelley, Scanlon,

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

On the question,

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

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

Amend Sec. 1, page 2, line 9, by inserting after "4921.": 4923,

Amend Sec. 1, page 105, by inserting between lines 16 and 17:

§ 4923. Length of vehicles.

(a) General rule.—No motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet, and no combination, including any load and bumpers, shall exceed an overall length of [55] 60 feet.

(b) Exceptions.—The limitations of (a) do not apply to the following:

(1) Any motor vehicle equipped with a boom or boom-like device if the vehicle does not exceed 55 feet.

(2) The load on a combination designed exclusively for carrying motor vehicles if the overall length of the combination and load does not exceed 60 feet.

(3) Any combination transporting articles which do not exceed 70 feet in length and are nondivisible as to length.

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

On the question,

Will the Senate agree to the amendments?

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

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

Senator MESSINGER. I will, Mr. President.

Senator BELL. Mr. President, would the amendments which the gentleman just presented permit an increase in length of tractor-trailer combinations?

Senator MESSINGER. By five feet, Mr. President.

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

I would like to speak against the amendments. Mr. President, these amendments substantially change the law of Pennsylvania. It will permit the extra long tractor-trailers to come into our highways—and I do not just mean the Turnpike, I mean our narrow, winding roads—and they are distinct traffic hazards.

Mr. President, these super long trucks are all right in California and the flat prairie states but in the highly mountainous region—and seven-eighths of the State is mountains, and the rest of it has old cities with narrow roads—they will create traffic hazards and congestion.

Senator MELLOW. Mr. President, I think because of the extreme importance of a number of these amendments—and thanks to the gentleman from Delaware, Senator Bell, none of us had seen these amendments previously, at least I have not seen them previously—they could have had a devastating effect on the final impact of Hosue Bill No. 1171.

Mr. President, I would ask that we either have a recess for the purposes of a caucus so we can discuss the amendments or that House Bill No. 1171 be put over in order until Monday when we will have an opportunity to get all the amendments to be submitted by the Members and have an opportunity to properly discuss them.

MOTION FOR BILL OVER IN ORDER

Senator MELLOW. Mr. President, at this time I make a motion that House Bill No. 1171 go over in its order, and, if possible, not be reprinted until Monday so that we can then offer further amendments.

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

Senator MELLOW. Mr. President, I move that House Bill No. 1171 go over in its order and have the President instruct the Secretary of the Senate not to have the bill reprinted.

The PRESIDENT pro tempore. It has been moved by Senator Mellow that House Bill No. 1171 go over in order and the Secretary be instructed not to have it reprinted.

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

Senator ZEMPRELLI. Mr. President, although there may be amendments being offered at this time that may not have been discussed in caucus, there are other amendments that were discussed in caucus, one of which is mine, which I would like to have considered at this time because I believe there is almost a unanimity of opinion as to the acceptability of this amendment.

Mr. President, I would ask that the motion be suspended until such time as others of those amendments that do have a degree of consideration might be presented.

Senator BELL. Mr. President, I question the gentleman from Allegheny, Senator Zempirelli, submitting amendments at this time because with these amendments coming in that I have never seen before, I am going to ask for strict enforcement of the Senate Rules.

The PRESIDENT pro tempore. Senator Zempirelli, there are several amendments and there is agreement here at the desk to let this bill go over until Monday. We would appreciate it if everyone would hold their amendments until Monday until each caucus knows what they are.

Senator STAUFFER. Mr. President, I rise to support the motion to carry the bill over. I would make the request that everyone who has amendments to this bill be sure that they are submitted to both caucuses so that we will have the opportunity, on Monday, to review every single amendment in caucus in order that we can come to the floor prepared to vote on them.

There has been quite a bit of confusion regarding some of the amendments and it would help if we could clarify them after a review of them all.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

MEETING OF THE COMMITTEE ON JUDICIARY

Senator MESSINGER. Mr. President, at this time the Committee on Judiciary would like to proceed with their hearing because it will affect the Executive Nominations which we will take up later.

PERMISSION TO ADDRESS SENATE

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

Senator ZEMPRELLI. Mr. President, there is another matter of interest on today's Calendar. The gentleman from Philadelphia, Senator Smith, has an amendment to Senate Bill No. 1454 which, I believe, the Chair has agreed to go over temporarily. I would ask that we consider Senate Bill No. 1454 prior to the hearing because I believe there will be some involvement. I am a member of the Committee on Judiciary and would like to participate in the hearings.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1454 CALLED UP

SB 1454 (Pr. No. 1980) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1454 (Pr. No. 1980) — Considered the third time,

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

Amend Sec. 2 (Sec. 804), page 2, by removing the period after "LIMITATION" and inserting: and except that this limitation shall not apply to accounts of an association upon which annual earnings for the four quarters preceding June 1, 1978 exceed the maximum permitted on accounts of associations insured by the Federal Savings and Loan Insurance Corporation.

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

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator SCHAEFER. Mr. President, the gentleman is the prime sponsor of Senate Bill No. 1454. Will the gentleman tell me if he has had an opportunity to review this amendment?

Senator ZEMPRELLI. I have, Mr. President.

Senator SCHAEFER. Mr. President, could the gentleman briefly tell us what the effect will be on Senate Bill No. 1454 by reason of the amendment?

Senator ZEMPRELLI. Mr. President, I believe it is essential to understand the status of Senate Bill No. 1454 in order to appreciate the effect of the amendment.

One of the amendments which was inserted in Senate Bill No. 1454 imposed an obligation on State chartered savings and loan associations, referred to as Regulation Q. One of the effects of Regulation Q would be to require Federal savings and loan associations to pay a limited amount on deposits made to those institutions.

By amendment to Senate Bill No. 1454, which was previously agreed to by the Senate, in the interest of maintaining uniformity, we imposed the same regulation as Regulation Q upon State chartered institutions. After that amendment was made to Senate Bill No. 1454, a group of the State chartered savings and loan institutions objected saying that in many instances there are a number of State chartered institutions paying more in terms of investment return on their savings accounts and share certificates than Regulation Q required, meaning that the effect of the passage of Senate Bill No. 1454, in its present status, required those institutions to, in fact, reduce the

amount of interest they would be paying on their share certificates and their deposits. Of course, they were reluctant to do that.

The issue is: Now having given, with this legislation, the State chartered institutions the advantage of deposit insurance, do we, in fact, allow them to continue to pay a superior rate of return on their share accounts? I then suggested to the State chartered institutions that they may want to talk to the gentleman from Philadelphia, Senator Smith, who has a number of these small institutions in his District and to propose an amendment which would suggest that, in the event any State chartered institution was paying a superior rate of interest on its accounts at its last payment period immediately preceding June 1, 1978, it be permitted to do such.

The difficulty with not having a reservation would be that we cannot ensure that many Federal institutions may want to revert to a State chartered institution unless there would be some limitation by virtue of Regulation Q. At the same time, the decision we would be making by this amendment is to determine whether or not we want to preserve the small State institutions insofar as their smallness and their ability to pay a larger rate of interest had they been doing that prior to June 1, 1978.

That is the effect of this amendment. I can say for the record that the Federal saving and loan associations oppose this amendment; the State chartered members, of course, are vehemently for it. The Department of Banking equivocates to a certain extent although I believe they are marginally against the amendment.

The issue is, as I have suggested: Do we want uniformity? Do we want everybody to pay according to the same rules, or do we believe that we should maintain the historic aspect of the small, State chartered institutions and, yet, preserve the right to know that the large institutions will not move in competition to them.

That is the effect of the amendment of the gentleman from Philadelphia, Senator Smith, and that is the issue before us at the present time.

Senator SCHAEFER. Mr. President, in order to summarize the comments, the package of bills—I am referring to Senate Bill No. 1454, Senate Bill No. 1456 and Senate Bill No. 1458—in essence sets up a State authorized system of savings insurance for, what we call, our State chartered savings and loan associations.

Prior to the establishment of this I believe the law was such that the building and loans could, as an added inducement, offer higher interest rates. The effect of this amendment would be to grandfather in, in essence, those accounts already on the record of the small building and loans but preclude any subsequent accounts taking advantage of this additional interest.

Senator ZEMPRELLI. That is precisely right, Mr. President. An institution would be grandfathered on the basis of its experience. It would preclude others from getting into that area of interest return.

Senator SCHAEFER. So that, Mr. President, what the gentleman is telling me is the reason for the grandfather approach is to prohibit the Federally chartered savings and loan

from taking advantage of this interest rate differential given to the State chartered institution.

Senator ZEMPRELLI. Mr. President, that is precisely the problem. The Maryland experience was that one small State chartered institution, in a relatively short period of time, became an extremely large State chartered institution by availing itself of the insurance. That would be a situation we could not control. It would be controlled as the bill is presently and as it would be if further amended.

Senator SCHAEFER. Mr. President, if this amendment was not adopted, would the State chartered building and loan associations have to reduce the interest paid on accounts they currently have?

Senator ZEMPRELLI. Only if they were paying in excess of the rate which is the maximum rate allowed by Regulation Q, Mr. President, which varies from time to time. It also varies with the type of investment.

Senator TILGHMAN. Mr. President, I thank the gentleman from Allegheny, Senator Zemprelli, for his explanation. He knew my concern for this legislation. I have a letter from the State chartered group of Pennsylvania Building and Loan Associations who support this amendment and support the bill with the amendment.

Mr. President, I would urge my colleagues to give an affirmative vote on the amendment.

Senator ZEMPRELLI. Mr. President, I request a roll call vote on the amendment.

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

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

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

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

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

YEAS—27

Andrews,	Hager,	McKinney,	Stapleton,
Coppersmith,	Hankins,	Mellow,	Stauffer,
Corman,	Jubelirer,	Murray,	Stout,
Dougherty,	Kelley,	Nolan,	Sweeney,
Fumo,	Kusse,	Orlando,	Tilghman,
Gekas,	Lewis,	Schaefer,	Zemprelli,
Gurzenda,	Lynch,	Smith,	

NAYS—17

Bell,	Hopper,	Messinger,	Romanelli,
Dwyer,	Howard,	Moore,	Ross,
Early,	Manbeck,	Noszka,	Scanlon,
Hess,	McCormack,	O'Pake,	Snyder,
Holl,			

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

The PRESIDENT pro tempore. Senate Bill No. 1454 will go over, as amended.

GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO SENATE

The PRESIDENT pro tempore. At this time I would like to introduce some very dear friends of mine who are in the gallery, Michael and Mary Grundowski from Luzerne County. Will my friends please rise so the Senate may extend its usual warm welcome?

(Applause.)

ANNOUNCEMENTS BY THE MAJORITY LEADER

Senator MESSINGER. Mr. President, at this time the members of the Committee on Judiciary are conducting a hearing.

The Committee on State Government now wishes to have a meeting in the Minority caucus room.

I believe we can then proceed with the Second Consideration Calendar and other business.

Mr. President, I do want to inform all the Members that when the hearing and the meeting are finished, we will have Executive Nominations.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 522, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to SB 522, and has appointed Messrs. KOLTER, BENNETT and DORR as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

COMMITTEE OF CONFERENCE APPOINTED ON SB 522

The PRESIDENT pro tempore. The Chair announces the appointment of Senators LYNCH, SMITH and MANBECK, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 522.

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

CONSIDERATION OF CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

SB 1493 and HB 2278 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 979 and 992 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

MEETING OF THE COMMITTEE ON STATE GOVERNMENT

Senator McKINNEY. Mr. President, I would like to request all members of the Committee on State Government to come to the Minority caucus room for a brief meeting.

The PRESIDENT pro tempore. Will the members of the Committee on State Government report to the Minority caucus room for a short meeting?

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

HB 198 (Pr. No. 3453) and HB 225 (Pr. No. 245) - Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 448 and HB 629 - Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 951 (Pr. No. 1057) - Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1022, 1177, 1384, 1460 and 1504 - Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 2420 (Pr. No. 3373) - Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

RESOLUTION REREFERRED

Senate Concurrent Resolution, Serial No. 219 - Upon motion of Senator MESSINGER, and agreed to, the resolution was rereferred to the Committee on Rules and Executive Nominations.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

June 21, 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 Gilbert Teitel, 822 MacFarlane Drive, Penn Hills 15235, Allegheny County, Forty-fourth Senatorial District, to serve for a term of four years, vice Honorable Vincent X. Yakowicz, Esquire, New Cumberland, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE STATE HORSE RACING COMMISSION

June 21, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William D. Gross, Niles Lane, York 17403, Twenty-eighth Senatorial District, for reappointment as a member of the State Horse Racing Commission, to serve until May 28, 1981, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 21, 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 Paul W. Geiger, Box 273, R. D. #2, Birdsboro 19508, Berks County, Eleventh Senatorial District, for appointment as District Justice of the Peace in and for the County of Berks, Class 2, District 03, to serve until the first Monday of January, 1980, vice Paul W. Hafer, Mt. Penn, retired.

MILTON J. SHAPP.

**RECALL COMMUNICATIONS
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:

**MEMBER OF THE CLEARFIELD COUNTY
BOARD OF ASSISTANCE**

June 21, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 22, 1978 for the appointment of Mrs. Gloria K. Silberblatt (Republican), 423 West First Street, Clearfield 16830, Clearfield County, Thirty-fourth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1980, and until her successor is duly appointed and qualified, vice Mrs. Jeannette K. Monks, Dubois, Terminated-By-Law.

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

MILTON J. SHAPP.

**MEMBER OF THE WESTMORELAND COUNTY
BOARD OF ASSISTANCE**

June 21, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 22, 1978 for Edward N. Plevel (Democrat), 1016 Leeds Avenue, Monessen 15062, Westmoreland County, Thirty-second Senatorial District, for reappointment as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified.

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

MILTON J. SHAPP.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator O'PAKE submitted the Report of Committee of Conference on SB 1233, which was placed on the Calendar.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator McKINNEY submitted the Report of Committee of Conference on HB 993, which was laid on the table.

RECESS

Senator MESSINGER. Mr. President, we will have Executive Nominations as soon as the hearing with the judges is concluded. Therefore, I would like the Senate to stand in recess pending the call of the Chair.

The PRESIDENT pro tempore. This Senate will stand in recess pending the call of the Chair.

AFTER RECESS

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

March 31, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William H. Colbert, Esquire, 528 Cochran Street, Sewickley 15143, Allegheny County, Fortieth 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. Rolf R. Larsen.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

March 31, 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 Robert S. Grigsby, Esquire, Box 254-A, R.D. #4, Sewickley 15143, Allegheny County, Fortieth 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. Maurice Louik, retired.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS
ALLEGHENY COUNTY

March 31, 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 Lawrence W. Kaplan, Esquire, 6564 Lyndhurst Green, Pittsburgh 15206, 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. John P. Hester.

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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for William H. Colbert, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

On the question,

Will the Senate advise and consent to the nomination?

Senator SNYDER. Mr. President, we have just concluded a Committee on Judiciary hearing on the six nominees for the Allegheny County Court. On the face of the record they certainly seem ably qualified and appropriate persons for the Bench.

However, I cannot help but use this occasion to observe the speed with which Allegheny County adds to the thirty-three judges it already has, making a total, I believe, of thirty-nine, at a time when it has twice as many judges as some counties of the State, per capita. Indeed, it is ranked among the first ten counties in the State in the number of judges it has per capita.

I would only hope that the Legislature addresses itself to the remissness which is quite deplorable with respect to some other counties of the State and the complement of judges to which they are entitled.

Mr. President, I would not object in any sense to the nominees being put forward here and I believe, with respect to the two Commonwealth Court judges, they were subject to very high level hearings with the appropriate questions asked and I

think they too will be excellent men for the Appellate Bench. But, again, we should look at our whole judicial system at some point and the Legislature should certainly address itself to that.

And the question recurring,
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—47

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

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 reported from committee today and previously read by the Clerk for Robert S. Grigsby, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

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—47

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

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 reported from committee today and previously read by the Clerk for Lawrence W. Kaplan, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

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—47

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

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 reported from committee today and previously read by the Clerk for Ralph J. Cappy, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

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—47

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

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 reported from committee today and previously read by the Clerk for Joseph A. Del Sole, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—47

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

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 reported from committee today and previously read by the Clerk for Eugene B. Strassburger, III, Esquire, as Judge of the Court of Common Pleas, Allegheny County, which requires a two-thirds majority vote.

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—47

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

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 David W. Craig, Esquire, as Judge of Commonwealth Court, which requires a two-thirds majority vote.

This nomination was previously laid on the table June 20, 1978.

The Clerk read the nomination as follows:

JUDGE OF COMMONWEALTH COURT

June 7, 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 David W. Craig, Esquire, 1812 Foxcroft Lane #905, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as Judge of Commonwealth Court, to serve until the first Monday of January, 1980, pursuant to Act 6, approved 1978.

MILTON J. SHAPP.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—47

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

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 the Honorable John A. MacPhail, as Judge of Commonwealth Court, which requires a two-thirds majority vote.

This nomination was previously laid on the table June 20, 1978.

The Clerk read the nomination as follows:

JUDGE OF COMMONWEALTH COURT

June 7, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Honorable John A. MacPhail, P. O. Box 415, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as Judge of Commonwealth Court, to serve until the first Monday of January, 1980, pursuant to Act 6, approved 1978.

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—47

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

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.

**DISTINGUISHED GUESTS PRESENTED
TO THE SENATE**

The PRESIDENT pro tempore. I understand that some of the judicial candidates are in the gallery and I wonder if Senator Romanelli and Senator Schaefer would like to introduce them.

Senator ROMANELLI. Mr. President, at this time I would like to take the opportunity to introduce three of the nominees who, fortunately, are from my District and who will certainly make excellent additions to the Common Pleas Court in Allegheny County. I know all three men personally. They are men of high caliber and high moral standards.

I will ask that the Senate give its usual warm welcome to Judge Designate—I guess would be the proper title—Eugene B. Strassburger, Judge Designate Ralph J. Cappy and Judge Designate Lawrence W. Kaplan.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny County, Senator Schaefer.

Senator SCHAEFER. Mr. President, it is a great honor and privilege to introduce a constituent of mine who was just confirmed by the Senate for a judicial position in the Court of Common Pleas for Allegheny County. I am referring to Mr. Joseph

A. Del Sole. I feel, along with Senator Romanelli and Senator Early, these candidates will make an outstanding contribution to the Bench and the citizenry of the County of Allegheny.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny County, Senator Early.

Senator EARLY. Mr. President, likewise, I have been fortunate to have a gentleman, who is my constituent, released from the Committee on Judiciary and unanimously confirmed here in the Senate, Mr. Robert S. Grigsby.

The PRESIDENT pro tempore. On behalf of all the Senators we extend the warmest congratulations and best wishes to the judges. If they will kindly stand, we will give them our usual warm welcome.

(Applause.)

Senator ROMANELLI. Mr. President, I would be remiss if I did not also introduce another distinguished constituent of mine in the gallery. He happens to be the solicitor for the Governor of the Commonwealth of Pennsylvania, Mr. Burton Morris.

The PRESIDENT pro tempore. If the gentleman will kindly rise, we will also extend a warm welcome to this gentleman.

(Applause.)

EXECUTIVE SESSION RISES

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

The motion was agreed to.

**UNFINISHED BUSINESS
REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator SMITH submitted the Report of Committee of Conference on SB 522, which was placed on the Calendar.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Olin Westover, Dr. and Mrs. Tobias F. Henry and to Mr. and Mrs. George Eschbach, Sr. by Senator Jubelirer.

Congratulations of the Senate were extended to Larry Holmes by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Alvin Shope by Senator Gekas.

Congratulations of the Senate were extended to George J. Hamburger, Jr. by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. Harry E. Webster, Mr. and Mrs. Emmett McCollum, Mr. and Mrs. Leroy Whipkey, Mr. and Mrs. Eldred Morris, Mr. and Mrs. Joseph C. Zamiska and to St. Marcellus Roman Catholic Church by Senator Stout.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Lewis "Bud" Ulen by Senators Hankins, Arlene and McKinney.

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 890, 1271, 1383, 1450, HB 80 and 2520.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

June 21, 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 H. Anspach, R. D. #1 Grantville 17028, Lebanon County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1987, and until his successor is appointed and qualified, vice Ray M. Bollinger, Richland, whose term expired.

MILTON J. SHAPP.

BILLS SIGNED

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

SB 586 and 967.

SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 104

The PRESIDENT pro tempore. The Chair wishes to announce the appointment of the following Senators to serve as members of the Special Senate Committee created pursuant to Senate Resolution, Serial No. 104:

The gentleman from Philadelphia, Senator Fumo, Chairman; the gentleman from Philadelphia, Senator Hankins; the gentleman from Philadelphia, Senator Lynch; the gentleman from Chester, Senator Stauffer; and the gentleman from Montgomery, Senator Tilghman.

PETITIONS AND REMONSTRANCES

Senator SMITH. Mr. President, on Monday afternoon the gentleman from Delaware, Senator Bell, spoke at length about the fact that some injustice may be done to the medical service suppliers, in particular the pharmacists here in Pennsylvania.

I would like to bring to the gentleman's attention that the pharmacists will be paid and particularly in Delaware County where, on May 15th, we had already paid \$1,981,363.57, which left possibly an unpaid amount due of twenty per cent of the total.

As of today, while I am speaking, the Department of Public Welfare is sending out checks to cover approximately \$198,363, just in Delaware County alone.

As of June 30th there will be approximately ten per cent of unpaid pharmaceutical bills remaining.

I bring this to the attention of the Senate, Mr. President, because I feel the issue brought out by the gentleman from Delaware, Senator Bell, was a pressing one and many of us should know that the Department of Public Welfare has tried and is trying to do away with this outstanding deficit.

Senator BELL. Mr. President, I thank the gentleman from Philadelphia, Senator Smith, for intervening on Monday evening and Tuesday so that the pharmacists could be paid because many of our pharmacists are small pharmacies. They do not have the big money backlog and they did continue servicing the indigent sick.

Mr. President, I am certainly appreciative of this fine work from the gentleman because, otherwise, we could have someone who is poor, who is ill and needs his prescription, end up without medicine. We could have tragedy.

Again, Mr. President, I thank the gentleman from Philadelphia, Senator Smith.

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

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

Senator SMITH. I will, Mr. President.

Senator SNYDER. Mr. President, has any progress been made in the payment of the pharmacists in Lancaster and Chester Counties?

Senator SMITH. Mr. President, I was referring particularly to the gentleman from Delaware, Senator Bell, but I meant to include all counties. Every pharmaceutical bill left unpaid is being attacked at this point in time hoping that we will have paid another ten per cent throughout the Commonwealth of the twenty per cent unpaid at this date.

Senator SNYDER. Mr. President, do I understand correctly that payments are being made across the State in all counties?

Senator SMITH. That is true, Mr. President.

Senator SNYDER. And does this include the arrearages that were due back in April, Mr. President?

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

Senator SNYDER. Mr. President, I thank the gentleman and appreciate his interest in the matter.

Senator BELL. Mr. President, on the very thick bill to amend the Motor Vehicle Code we had a situation today where an

amendment was submitted to the Senate, about which I knew nothing. I am very happy that this Senate voted to hold the bill over until amendments were discussed in caucus.

This is what happens in certain periods of time in the Legislature which we call "turkey days." In other words, it is turkey season and the vested interests know this. They take advantage of the confusion and the heavy work load that we are enduring. In fact, some of us get a little tired, a little inattentive, but this is the time when they try to slip through their turkeys, their special interest legislation.

Mr. President, I am urging every Senator on both sides to keep his eyeballs peeled and his ears open and watch so that we do not enact legislation for which we will be sorry in years to come. When the items are controversial, we should hold them until the committees have time to hold public hearings and have discussion so that all parties of interest can be heard.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 26, 1978

11:30 A.M. TRANSPORTATION (Public Hearing on the confirmations of Thomas P. Dalfonso and John Anspach, as members of the Pennsylvania Turnpike Commission)

Senate Majority
Caucus Room

TUESDAY, JUNE 27, 1978

10:30 A.M. URBAN AFFAIRS AND
to HOUSING (Public Hearing to review the state-funded urban renewal project in Jim Thorpe)

Council Room,
Borough Hall,
Jim Thorpe, PA.

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Monday, June 26, 1978, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:50 p.m., Eastern Daylight Saving Time.