

Legislative Journal

TUESDAY, JUNE 27, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 40

SENATE

TUESDAY, June 27, 1978.

The Senate met at 3:40 p.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.:

Lord God, source of every good, the ground of our being and all that we do, receive our humble thanksgiving for all of Your gifts.

May the gift of Your love be matched by the generous commitment of our life in Your service. We ask this through Christ, our Lord. 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.

BILLS SIGNED

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

HB 225 and 1220.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 1200**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following com-

munication, which was read by the Clerk as follows:

June 27, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered during the month of June 1978 for the 162nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELLE, JR.
Secretary of the Senate

VINCENT F. SCARCELLI
Chief Clerk
House of Representatives

The PRESIDENT. These lists will be printed in the Appendix of the Senate Journal.

REPORTS FROM COMMITTEES

Senator ZEMPRELLI, from the Committee on Business and Commerce, reported, as committed, **SB 1540**.

Senator COPPERSMITH, from the Committee on Public Health and Welfare, reported, as committed, **HB 276**.

RESOLUTION REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Concurrent Resolution, **Serial No. 216**, entitled:

Joint Committee to investigate administrative practices and policies of the State Workmen's Insurance Fund.

BILLS INTRODUCED AND REFERRED

Senators HOWARD and ARLENE presented to the Chair **SB 1571**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," further providing for exclusions from employment by certain students.

Which was committed to the Committee on Labor and Industry.

Senator BELL presented to the Chair **SB 1572**, entitled:

An Act limiting the liability of certain depositors for unauthorized withdrawals from their accounts in certain instances.

Which was committed to the Committee on Business and Commerce.

Senators ZEMPRELLI, O'PAKE and SCHAEFER presented to the Chair **SB 1573**, entitled:

An Act amending title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to juries and jurors.

Which was committed to the Committee on Judiciary.

Senators HOLL, O'PAKE and MANBECK presented to the Chair **SB 1574**, entitled:

An Act amending the act of December 6, 1972 (P. L. 1464, No. 333), entitled "Juvenile Act," further providing for disclosure of children's records.

Which was committed to the Committee on Aging and Youth.

Senators DWYER, ANDREWS and STAUFFER presented to the Chair **SB 1575**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," establishing the Pennsylvania Turnpike System Commission as the successor to the Pennsylvania Turnpike Commission, granting powers to the Pennsylvania Turnpike System Commission, providing for the issuance of bonds and creating a turnpike system and making a repeal.

Which was committed to the Committee on Transportation.

Senators O'PAKE, SCHAEFER, DWYER, ORLANDO and EARLY presented to the Chair **SB 1576**, entitled:

An Act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties.

Which was committed to the Committee on Judiciary.

Senators REIBMAN, HESS, FUMO, MESSINGER, ROMANELLI, STAPLETON, JUBELIRER, SCHAEFER and ORLANDO presented to the Chair **SB 1577**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Property Tax or Rent Rebate Act," further providing for the income schedule for eligible claimants.

Which was committed to the Committee on Finance.

Senators STAUFFER, MESSINGER and TILGHMAN presented to the Chair **SB 1578**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," prohibiting contributions by attorneys or bar associations for the election of or a retention election of a judge to the court of common pleas.

Which was committed to the Committee on State Government.

Senators MESSINGER and SNYDER presented to the Chair **SB 1579**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21),

entitled "Public Welfare Code," requiring tax records to be released to the department for purposes of tracing individuals for support payments.

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

Senators O'PAKE, HOWARD, ROMANELLI, GEKAS, DOUGHERTY, STAPLETON, MELLOW, REIBMAN and GURZENDA presented to the Chair **SB 1580**, entitled:

An Act amending the act of December 27, 1974 (P. L. 995, No. 326), entitled "Veterinary Medicine Practice Act," further providing for qualifications of applications, and for grounds for disciplinary proceedings.

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

They also presented to the Chair **SB 1581**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), entitled "The Dental Law," further providing for the licensing of dentists and providing for automatic suspension and revocation of license.

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

They also presented to the Chair **SB 1582**, entitled:

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," further providing for licensing of pharmacists and for revocation and suspension of license of pharmacists.

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

They also presented to the Chair **SB 1583**, entitled:

An Act amending the act of July 20, 1974 (P. L. 551, No. 190), entitled "Medical Practice Act of 1974," further providing for qualifications for license and for automatic suspension.

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

They also presented to the Chair **SB 1584**, entitled:

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), entitled, as amended, "The Professional Nursing Law," further providing for qualifications of applicants and for suspension of licenses.

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

They also presented to the Chair **SB 1585**, entitled:

An Act amending the act of March 19, 1909 (P. L. 46, No. 29), entitled, as amended, "Osteopathic Practice Law," further providing for application to engage in practice and providing for automatic suspension of licenses.

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

They also presented to the Chair **SB 1586**, entitled:

An Act amending the act of March 2, 1956 (P. L. 1211, No. 376), entitled "Practical Nurse Law," further providing for qualifications of applications and for suspension or revocation of licenses and making an editorial change.

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

Senator HOWARD presented to the Chair **SB 1587**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, repealing certain provisions relating to transfers for value.

Which was committed to the Committee on Judiciary.

PERMISSION TO ADDRESS SENATE

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

Senator McKINNEY. Mr. President, I present to the Chair one of the most important bills which I have introduced this Session. It is a bill on casino gambling.

BILLS INTRODUCED AND REFERRED

Senators McKINNEY, ORLANDO, ARLENE, FUMO, HANKINS, SMITH, LYNCH, DUFFIELD and McCORMACK presented to the Chair **SB 1588**, entitled:

An Act authorizing the establishment of gambling casinos in the Commonwealth, providing for the licensing, regulation and taxation thereof, creating the Commonwealth Casino Control Commission and the Bureau of Gaming Enforcement, prescribing the powers, duties and functions of the commission and bureau and making an appropriation.

Which was committed to the Committee on State Government.

Senators McCORMACK, ZEMPRELLI, COPPERSMITH, JUBELIRER, HOPPER and O'PAKE presented to the Chair **SB 1589**, entitled:

An Act relating to criminal history record information; providing for the protection of individual right to privacy and for the completeness and accuracy of, the control of dissemination of, the establishment of guidelines for the security of, and provision for quality control of criminal history record information; and providing for the right of individuals to inspect, review and challenge the accuracy of such information and the establishment of a council to oversee the administration of this act; and providing penalties for violations of this act.

Which was committed to the Committee on Judiciary.

Senators SNYDER, McKINNEY and STAUFFER presented to the Chair **SB 1590**, entitled:

An Act authorizing the Department of General Services to convey a tract of land located in East Nantmeal and West Nantmeal Townships, Chester County to the county.

Which was committed to the Committee on State Government.

RECESS

Senator MESSINGER. Mr. President, at this time I request a recess of the Senate for the purpose of holding a Democratic caucus. The Democratic Members will caucus when they are advised over the loudspeaker, with the expectation of returning to the floor at 5:30 p.m.

Senator HAGER. Mr. President, I would ask, upon the recess from the Chamber until 5:30 p.m., that all Republican Members come to their caucus room immediately for two purposes. We will be interviewing the two nominees for the Turnpike Commission and, hopefully, by the time we complete that, the Majority Leader will have a marked Calendar for us for today's Session. We will move as expeditiously as possible.

The PRESIDENT. This Senate will stand in recess until 5:30 p.m.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2207** and **2542**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 2397**, **2398** and **2399**, which were referred to the Committee on Business and Commerce.

He also presented for concurrence **HB 1362**, which was referred to the Committee on Environmental Resources.

He also presented for concurrence **HB 2403**, which was referred to the Committee on Finance.

He also presented for concurrence **HB 1626**, which was referred to the Committee on Military Affairs and Aeronautics.

He also presented for concurrence **HB 1120**, which was referred to the Committee on Public Health and Welfare.

He also presented for concurrence **HB 1291**, **1292** and **2362**, which were referred to the Committee on State Government.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **HB 1860**, which was placed on the Calendar.

He also informed the Senate that the House has adopted Report of Committee of Conference on **SB 1233**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 489** and **2302**.

BILLS SIGNED

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

HB 489 and **2302**.

SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 107

The PRESIDENT. The Chair wishes to announce the Presi-

dent pro tempore has advised the Secretary of the Senate he has appointed the following Senators to serve as members of the Special Senate Committee created pursuant to Senate Resolution, Serial No. 107:

The gentleman from Allegheny, Senator Romanelli, Chairman; the gentleman from Schuylkill, Senator Gurzenda; the gentleman from Philadelphia, Senator Hankins; the gentleman from Blair, Senator Jubelirer; and the gentleman from Lebanon, Senator Manbeck.

CALENDAR

HB 198 CALLED UP OUT OF ORDER

HB 198 (Pr. No. 3514) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 198 (Pr. No. 3514) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator SNYDER. Mr. President, some of this bill, of course, is addressed to concerns with respect to the ethics of public employees and certainly one cannot find fault with that. However, Section 4 on page 5 of the bill requires some detailed reporting by anyone who runs for office, or is elected to office, in a township, borough or city. I am sure this will pyramid the paperwork and the fussing and the employees and the bureaucracy that goes with any regulation that affects tens of thousands of elected public officials in Pennsylvania. For that reason I, for one, am going to vote against this bill.

I believe the craftsmanship of the drawing is rather poor too, but I will not burden the Senate with the lint picking on that. I just think it is a poor system to start and we should not be pushing it down the public's throat.

Senator BELL. Mr. President, I am voting for House Bill No. 198 reluctantly. I got a message from some of my borough councilmen who are complaining about the disclosure required by the Senate amendments. They very frankly told us to cast the mote out of our own eyes before we go picking at their eyes.

Senator LEWIS. Mr. President, the amendments which the gentlemen have referred to were, in fact, adopted in the Senate Committee on Local Government. Part of the reasoning behind their adoption was to hopefully set an example, which this Legislature has been much too dilatory in following.

I believe this type of relevant public disclosure of involvement or economic circumstances that, in fact, directly relates to the office which one is seeking is long overdue.

For whatever reason, we have not seen fit yet to impose these types of obligations upon ourselves. I hope that by doing so, at least for our political subdivisions, we are taking a very important first step in the direction that will ultimately lead to the expansion of these types of requirements for election to every

office within this Commonwealth. Their adoption is too far overdue.

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—40

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

NAYS—7

Arlene,	Gekas,	Manbeck,	Snyder,
Coppersmith,	Hankins,	Nolan,	

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.

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

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

MEMBER OF THE 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.

MEMBER OF THE STATE BOARD OF
OSTEOPATHIC EXAMINERS

May 23, 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 by nomination dated May 12, 1978 for the appointment of Anthony Ricipi, Jr., O.S., D.O., 1954 Moreland Road, Abington 19001, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Osteopathic Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Alfred A. Grilli, O.D., Pittsburgh, whose term expired.

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

MILTON J. SHAPP.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

March 13, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Andrew C. Long, 660 Center Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, District Five, to serve until the third Tuesday of January 1985, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS, BEAVER COUNTY

June 23, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas C. Mannix, Esquire, 426 Fifth Street, Patterson Heights, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-sixth Judicial District of Pennsylvania, composed of the County of Beaver, to serve until the first Monday of January, 1980, vice Honorable H. Beryl Klein, Aliquippa, resigned.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
CRAWFORD COUNTY

June 23, 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 L. Walker, Esquire, 200 Beach Street, Linesville 16424, Crawford County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirtieth Judicial District of Pennsylvania, composed of the County of Crawford, to serve until the first Monday of January, 1980, vice Honorable F. Joseph Thomas, Mandatory Retirement.

MILTON J. SHAPP.

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

June 23, 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 Samuel L. Rodgers, Esquire, 101 Sherwood Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Twenty-seventh Judicial District of Pennsylvania, composed of the County of Washington, to serve until the first Monday of January, 1980, vice Honorable Paul A. Simmons, Monongahela, resigned.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

June 19, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas P. Dalonzo, 26 Colonial Drive, Monessen 15062, Westmoreland County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1983, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

MILTON J. SHAPP.

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.

MEMBER OF THE BOARD OF TRUSTEES OF
CALIFORNIA STATE COLLEGE

June 22, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Philip Stout, Box 317 F, R. D. 2, Washington 15301. Washington County, Forty-sixth Senatorial District for appointment as a member of the Board of Trustees of California State College, to serve until the third Tuesday of January 1983, and until his successor is appointed and qualified, vice Samuel R. Morosco, Washington, resigned.

MILTON J. SHAPP.

MEMBERS OF THE BOARD OF TRUSTEES OF
EMBREEVILLE STATE HOSPITAL

June 20, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Board of Trustees of Embreeville State Hospital:

Dr. Ward J. Remington, 110 Oak Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified, vice Roy Josephson, Avondale, terminated.

Mrs. Judith Iamurri, 915 North Hill Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified, vice Sargio Joseph DeMichiel, Lincoln University, terminated.

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.

MEMBER OF THE STATE PLANNING BOARD

March 13, 1978.

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

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

Stephen J. Cseplo, 6820 Verbena Avenue, Philadelphia 19126, Philadelphia County, Thirty-sixth Senatorial District, to serve until December 31, 1981, and until his successor is appointed and has qualified.

MILTON J. SHAPP.

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

June 23, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Malvina Dickerson, 2125 Reed Street, Philadelphia 19146, Philadelphia County, Second Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 1983, and until her successor is appointed and qualified, vice Doctor Ruth Miller Steese, Mifflinburg, resigned.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF
SHIPPENSBURG STATE COLLEGE

June 20, 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 Brian Lee Hocker, 6222 Westover Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a student member of the Board of Trustees of Shippensburg State College, to serve for three years, or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Miss Ellen J. Watson, Lebanon, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD

June 1, 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 William J. Sheppard, 817 Densmore Road, Philadelphia 19110, Philadelphia County, Sixth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve until December 20, 1978, vice Honorable C. DeLores Tucker, Philadelphia.

MILTON J. SHAPP.

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 PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

May 22, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following as a member of the Philadelphia County Board of Assistance:

Reverend Kermit L. Newkirk, Jr. (Democrat), 10th & Roosevelt Boulevard, Philadelphia 19120, Philadelphia County, Third Senatorial District, to serve until December 31, 1979,

and until his successor is duly appointed and qualified, vice Mrs. Louise L. Perkins, Philadelphia, deceased.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 22, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas J. O'Neill, Esquire, 2279 Country Club Drive, Upper St. Clair 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as District Justice of the Peace in and for the County of Allegheny, Class 4, District 06, to serve until the first Monday of January, 1980, vice William J. Ruano, Esquire, Pittsburgh, retired.

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.

DISTRICT JUSTICE OF THE PEACE

June 22, 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 DeFilippo, 140 West College Street, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for appointment as District Justice of the Peace in and for the County of Washington, Class 2, District 01, to serve until the first Monday of January, 1980, vice Norbert K. Lesniakowski, Canonsburg, deceased.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

May 22, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Frances M. Gaworecki, Box 61, Star Route, Irvine 16329, Warren County, Twenty-fifth Senatorial District, for appointment as District Justice of the Peace in and for the County of Warren, Class 4, District 01, to serve until the first Monday of January, 1980, vice G. K. Lodge, Tidioute, Deceased.

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 Thomas C. Mannix, Esquire, as Judge, Court of Common Pleas, Beaver 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—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Robert L. Walker, Esquire, as Judge, Court of Common Pleas, Crawford 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—48

Andrews,	Hager,	McCormack,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Coppersmith,	Holl,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Samuel L. Rodgers, Esquire, as Judge, Court of Common Pleas, Washington 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—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Andrew C. Long, as a member of the Pennsylvania Game Commission, 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—18

Andrews,	Gekas,	Howard,	Moore,
Bell,	Hager,	Jubelirer,	Snyder,

Corman,	Hess,	Kusse,	Stauffer,
Dougherty,	Holl,	Manbeck,	Tilghman,
Dwyer,	Hopper,		

NAYS—29

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

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the nominations of Thomas P. Dalfonso and John H. Anspach, as members of the Pennsylvania Turnpike Commission, which require a two-thirds majority vote, be laid on the table.

The PRESIDENT. These nominations will be laid on the table.

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 Stephen J. Cseplo, as a member of the State Planning Board, which requires a majority vote.

On the question,

Will the Senate advise and consent to the nomination?

Senator McCORMACK. Mr. President, apparently this gentleman is from my District. Although it is unprofessional to ask this Body to vote "no," I, nevertheless, must ask them to do that because, given the presumption that Governor Shapp would not have nominated this gentleman had he not been qualified, I know nothing about him and know nothing about his background. I, therefore, at this time, ask the Senate to vote "no."

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—0

NAYS—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,

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.
Ordered, That the Governor be informed accordingly.

NOMINATION LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the nomination of Gilbert Teitel, as a member of the State Employees' Retirement Board, which requires a majority vote, be laid on the table.

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

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the remainder of the nominations reported from committee today and previously read by the Clerk, which require a majority vote.

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

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

YEAS—47

Andrews,	Hager,	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 Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROSS. Mr. President, I move that the Executive Session do now rise.
The motion was agreed to.

**CONSIDERATION OF CALENDAR RESUMED
REPORT OF COMMITTEE OF CONFERENCE**

BILL OVER IN ORDER

HB 993 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 792**

HB 792 (Pr. No. 3416) — Senator MESSINGER. Mr. Presi-

dent, I move that the Senate do insist upon its amendments to House Bill No. 792 and that a Committee of Conference on the part of the Senate be appointed.

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

Senator HAGER. Mr. President, I request a roll call vote and ask the Members to vote "no" on the motion.

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

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

Senator BELL. Mr. President, knowing this bill is going to end up in a Committee of Conference, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—24

Arlene,	Gurzenda,	Mellow,	Ross,
Bell,	Hankins,	Murray,	Scanlon,
Coppersmith,	Kelley,	Nolan,	Schaefer,
Duffield,	Lynch,	Noszka,	Smith,
Early,	McCormack,	Orlando,	Sweeney,
Fumo,	McKinney,	Romanelli,	Zemprelli,

NAYS—23

Andrews,	Hess,	Lewis,	Snyder,
Corman,	Holl,	Manbeck,	Stapleton,
Dougherty,	Hopper,	Messinger,	Stauffer,
Dwyer,	Howard,	Moore,	Stout,
Gekas,	Jubelirer,	O'Pake,	Tilghman,
Hager,	Kusse,	Reibman,	

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.

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 1731**

HB 1731 (Pr. No. 3395) — Senator MESSINGER. Mr. President, I move that the Senate do recede from its amendments nonconcurring in by the House to House Bill No. 1731.

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

Senator STAUFFER. Mr. President, I oppose the motion to recede and would ask the Members to insist on the Senate amendments.

As a reminder to the Members, I point out that the amendment at issue is the one regarding the approval by the full General Assembly of the budget of the Public Utility Commission. I believe to recede from that amendment and to give away this important power the General Assembly rightfully should carry would be a grave mistake and an error on our part. We were right when we approved that amendment and we should insist that we retain that provision in the bill.

Senator BELL. Mr. President, I think this is the third time

we have voted on this question. The question very plainly is this: Do my fellow Senators want to have some say as to how much the PUC budget contains? Under the present law, we do not. At the present time it is in the hands of three persons. The budget comes over and it is the lesser of what the Chairman of the Committee on Appropriations in the House, the Chairman of the Committee on Appropriations in the Senate or the Governor approves. I am not ready to tell the House Chairman of the Committee on Appropriations that he is more qualified to rule on this than I am as a Senator representing a quarter of a million people.

PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, if the motion to recede fails, is that interpreted as a sustaining of insisting?

The PRESIDENT. No, Senator. If the motion to recede fails, the Chair would then require a vote that we insist upon the amendments placed in the bill by the House of Representatives.

Senator KELLEY. Mr. President, is there a preference among motions between receding and insisting?

The PRESIDENT. No, Senator, there is none.

The Chair must point out to the Members one other point which was brought up earlier. This is not only by my ruling but by Jefferson's Manual. If we recede, the bill is then returned immediately to the House of Representatives with the information that the Senate has passed the same without amendment. I just want to make that point clear to everyone.

Senator KELLEY. Mr. President, would it be in order to make a motion in order to not have the Chair deliver, but rather retain it here. Is there a preferential motion that could be made to have this Body express itself in the positive rather than the negative?

The PRESIDENT. The matter could be laid on the table, Senator.

Senator HAGER. Mr. President, in addition to all the arguments which have been made in favor of this bill—that is, in its form before we recede if, in fact, that is what this Body should do—I now have a letter dated June 26th addressed to me as Minority Leader signed by Louis J. Carter, Chairman of the Public Utility Commission.

He begins by saying, "This is to notify you that the Public Utility Commission is recommending that the House of Representatives nonconcur in House Bill No. 1731 . . ."

The letter continues, "This request is not to be construed to mean that the PUC opposes the two concepts," one of which is, of course, the most important one of bringing budgetary control back to the Legislature.

He goes on to say in his letter that he feels the matter should go to conference. In fact his last paragraph reads:

"I would like to reemphasize that the concepts of both of these sections in House Bill No. 1731 have merit. However, because of the imminent recess of the General Assembly, additional time is needed, through the Conference Committee proc-

ess, to aid the Legislature in making these reforms viable, workable and meaningful in keeping with the intent with which they were introduced and acted upon."

I, therefore, would suggest to the Members of the Senate that, not only those of us who feel the Senate and the House of Representatives should have some control over the budgetary process, but also the Chairman of the Public Utility Commission, requests a vote against receding from our amendments so that this bill can go to a Committee of Conference.

Senator NOLAN. Mr. President, may we have the motion to recede repeated, please?

The PRESIDENT. The question before the Senate is, Will the Senate agree to the motion to recede from the Senate amendments placed in House Bill No. 1731?

POINT OF INFORMATION

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

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

Senator NOLAN. Mr. President, if we vote to recede, I believe the Chair just ruled that the bill would be sent back to the House with the information that we have receded from the amendments placed by the House. We would then automatically be voting in favor of the bill.

The PRESIDENT. That is right, Senator.

Senator NOLAN. Mr. President, should not the motion to recede include that?

The PRESIDENT. It does, Senator. It has been our ruling and it is clear in Jefferson's Manual that since the bill has already been passed, if we then take the step of receding from the amendments, the bill will immediately be returned to the House of Representatives with the information that the Senate has passed the same without amendment.

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—23

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

NAYS—24

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

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

**MOTION THAT SENATE INSISTS UPON ITS
AMENDMENTS NONCONCURRED IN BY THE HOUSE**

Senator HAGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1731, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**GUESTS OF THE SENATE INTRODUCED
BY THE PRESIDENT**

The PRESIDENT. Before proceeding with the remainder of the Calendar, let me take just a moment for two introductions that will probably be very refreshing to the Members of the Senate of Pennsylvania.

First of all, the wife of the Senator from Lackawanna, Senator Mellow, Diane, and their daughter, Melissa. Would you please rise? We would like to welcome you to the Senate of Pennsylvania.

(Applause.)

That is one part of the State heard from.

Now, I would like to introduce you to the lady from Warren County who is married to the Senator from Warren County, Gerry Kusse. Would you please rise, Mrs. Kusse? We would like to welcome you to the Senate.

(Applause.)

That helps us to forget a little bit that it is 7:30 in the evening and we still have a lot of work to do.

MOTION TO RECONSIDER HB 792

Senator MOORE. Mr. President, is it proper for me to make a motion on a vote at this time?

If so, I move that the vote by which the Senate approved the motion to insist on its amendments in House Bill No. 792 be reconsidered.

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

(The Senate was at ease.)

The PRESIDENT. For the information of the Members, the House is still in Session. We were under instructions to expedite the passage of all legislation. We have already dispatched the bill to the House. We can only recall it by resolve. I would also like to inform the Members that from here on, we will continue to do that.

If anybody wants to reconsider, please do it immediately after the action is taken.

CONSIDERATION OF CALENDAR RESUMED

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 1841**

HB 1841 (Pr. No. 3418) — Senator MESSINGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1841, and that a Committee of Conference on

the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

Senator HAGER. Mr. President, I would like to remind the Members that this is the Game Commission bill which would call for confirmation, by majority vote, of the Executive Director of the Game Commission, just as House Bill No. 792 called for the confirmation, by majority vote, of the Executive Director of the Fish Commission. I ask for a negative vote on the bill.

And the question recurring,

Will the Senate agree to the motion?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator ZEMPRELLI. 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—24

Arlene,	Gurzenda,	Mellow,	Ross,
Bell,	Hankins,	Murray,	Scanlon,
Coppersmith,	Kelley,	Nolan,	Schaefer,
Duffield,	Lynch,	Noszka,	Smith,
Early,	McCormack,	Orlando,	Sweeney,
Fumo,	McKinney,	Romanelli,	Zemprelli,

NAYS—23

Andrews,	Hess,	Lewis,	Snyder,
Corman,	Holl,	Manbeck,	Stapleton,
Dougherty,	Hopper,	Messinger,	Stauffer,
Dwyer,	Howard,	Moore,	Stout,
Gekas,	Jubelirer,	O'Pake,	Tilghman,
Hager,	Kusse,	Reibman,	

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

HB 1851 and 1858 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

**SENATOR HAGER TO VOTE FOR
SENATOR JUBELIRER**

Senator HAGER. Mr. President, I request a legislative leave of absence for Senator Jubelirer for the balance of today's Ses-

sion. He will be out of the Capitol on legislative duties and I will be voting him.

The PRESIDENT. The Chair hears no objection and the request is granted.

CONSIDERATION OF CALENDAR RESUMED
BILLS ON CONCURRENCE IN HOUSE AMENDMENTS
SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 645 (Pr. No. 2008) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 645.

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

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 have no particular objection to this bill although I do not see the need for the immediate rush to pass it.

I would like to direct a point of parliamentary inquiry to the Chair. The title of this bill ends with the words "providing for campus police for community colleges." That is what the bill originally did.

It now has seven or eight additional pages in it relative to the budgetary procedure in Pennsylvania.

Mr. President, is it proper to pass a bill where the title of the bill is incorrect?

The PRESIDENT. We will be at ease for just a minute.
(The Senate was at ease.)

The PRESIDENT. This Chair has never ruled on constitutional questions but, for the information of the Members, it is my judgment that this bill is clearly unconstitutional in its present form.

The Constitution, in Article III, Section 3, says, "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof."

In my opinion, this bill clearly contains two distinct and separate subjects and therefore would fly in the face of that section of the Constitution. That is an issue that you have to decide. If you choose to raise it, Senator, I will place it before the Members.

Senator TILGHMAN. Mr. President, I also have several points to make about this bill. The effective date of this bill applies to—and it is on the last page, 17—the 1978-1979 fiscal year. It would seem to me to be impossible to pass in that form. It should be the 1979-1980 fiscal year. As we all know, in a few days we go into the new fiscal year and the budgetary procedure and everything has taken place. Whether we would have to go back and open it up to comply with this legislation, I do not know.

As I say, Mr. President, there are a few things in the bill

which are constructive; the other parts of the bill have simply taken the Administrative Code and written it into law. Because of the title of the bill, because of the difficulty with the effective date and because of the simple fact that we really do not have to pass this before September because nothing must be done until the next Governor comes in, I would like to ask the Majority Leader if it would be possible to nonconcur in the House amendments, that are generally constructive, so that we can simply get this into a Committee of Conference to clear up these two points of the bill.

MOTION TO NONCONCUR IN
HOUSE AMENDMENTS

Senator MESSINGER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 645, and request the President pro tempore to appoint a Committee of Conference.

The PRESIDENT. Senator Messinger withdraws his motion that the Senate concur in the amendments placed by the House in Senate Bill No. 645 and now moves that the Senate nonconcur in the amendments placed by the House in Senate Bill No. 645, and the President pro tempore be empowered to appoint a Committee of Conference.

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 202 (Pr. No. 1920) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 202.

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.

SB 292 (Pr. No. 1997) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 292.

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

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

YEAS—46

Andrews,	Hankins,	McKinney,	Ross,
Arlene,	Hess,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
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,
Gurzenda,	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 inform the House of Representatives accordingly.

BILL OVER IN ORDER TEMPORARILY

SB 578 (Pr. No. 2007) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 578.

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

PARLIAMENTARY INQUIRY

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

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

Senator ORLANDO. Mr. President, at the time we were discussing this bill in committee I wanted to amend the bill. I was told I could not amend this bill with the subject amending Title 71.

The House has taken my bill, which we brought out of committee, and has amended this particular bill with my bill and added another amendment to it also.

Mr. President, I would naturally like to see the bill passed. But again, a point of parliamentary inquiry, we are discussing the same subject but in two different veins.

The PRESIDENT. Senator, this is a somewhat different situation due to the fact that this amendment was made by the House, and covers just one subject in one section. We have never looked behind what the House has done once a bill has been received in this Chamber and processed by our desk.

Had the question been raised when the bill was first received, it might have been a little better taken than now. Fortunately, we are at that period, as I discussed with some of the Members

earlier, where as many as fifty or a hundred pieces of legislation will cross this desk and even the Members cannot keep track of everything that is being processed.

It would be my position now that your point would not be well taken.

Senator ORLANDO. Mr. President, my point is that the Legislative Reference Bureau told me that I could not amend this bill, yet they amended the bill over in the House.

The PRESIDENT. I have no comment on that, Senator. I understand what you are saying. The only point I make is that, at this point, I cannot respond favorably to the point which was raised because we have already processed the bill and it is now before us.

Senator FUMO. Mr. President, as I understand this bill, this is a pension bill which has in it retroactivity regarding pensions which many people have already said is unconstitutional.

I want the record to clearly show that my only objection to this legislation is that retroactivity provision, and because of that I intend to vote "no" on this bill and urge my colleagues to do so also.

We had much discussion and debate prior to the recess for the Primary Election and we, in fact, did pass a good pension reform bill which is somewhere in the House of Representatives—God only knows where.

I believe this particular bill, with the retroactivity in it, is an unconstitutional sham on the public. The courts have already ruled on this issue and I cannot see us getting involved in this. I would urge my colleagues to vote "no" on this bill so that we can put together a bill which is constitutionally sound, which is reasonable and which is really not a fraud on the public by making them think they are going to get something they are not going to get and then making the public feel frustrated when the courts finally rule that it is unconstitutional and having them come back to us.

Senator LEWIS. Mr. President, I fully concur with my colleague's comments about the unconstitutional nature of Section 7 dealing with retroactivity. There is absolutely no doubt in my mind that that provision is going to be stricken by the courts.

However, as I reviewed the bill, I have had to come to grips with the reality that the public is also asking of us—in fact, demanding of us—that we, as a Legislature, do something to at least prospectively eliminate the continuation of pensions for public officials who have been convicted of violating their public trust.

We are now in a quandary. We can either vote against this bill because one provision does violate the Constitution or, we can look to the prior section of the bill, note the severability clause and fully presume that the courts, in fact, are going to strike retroactivity, and I wholeheartedly believe that.

We are then, after going through that analysis, confronted with a question of whether or not we can proceed to implement the balance of this bill as the law of this Commonwealth.

I have resolved that question in my mind in the affirmative because I believe the public will rightfully be incensed if we leave this State Capitol for a number of weeks again and fail to take an affirmative step on this subject area. I do not like having to vote for something which I clearly know is unconstitu-

tional, but I also, very strongly, believe that the balance is long overdue and that the courts, unfortunately, will again be called upon to make up for the lack of personal stamina or perseverance on the part of some of the Members of this Legislature who, for whatever personal or political reasons, saw fit to attempt to delude the members of the public by including the retroactivity section.

I think it is regrettable that that has occurred, that the issue before us now is one of relying upon the courts to do what our own people would not, or else, providing nothing at all for the public. I opt for the latter course.

POINT OF INFORMATION

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

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

Senator NOLAN. Mr. President, when the gentleman from Erie, Senator Orlando, was questioning the Chair as to whether or not it was proper for us to be addressing ourselves to this bill, did the Chair make a ruling?

The PRESIDENT. The Chair did not, Senator.

Senator NOLAN. Mr. President, did the Chair make a ruling that when a bill is received by this Senate that that was the proper time to take action on it?

The PRESIDENT. I only gave you my opinion, Senator.

Senator NOLAN. Mr. President, what was the Chair's opinion?

The PRESIDENT. My opinion was that that would have been the proper time to take action on it and that now is not the proper time.

Senator NOLAN. Mr. President, I might point out that we never know what is received from the House. Especially today we did not know the bills which came over from the House until we received this list in our caucus which was held after we left the floor. This is the first knowledge I had of the bills which came from the House. I am just wondering how we would know, at that time, what bills were received from the House, especially when I do not have any knowledge of them.

The PRESIDENT. There are no special provisions made for the Members to know what kind of legislation comes from the House in matters routinely passing this Desk, except to monitor what the House passes, Senator. It is a very difficult issue. It was raised a couple of years ago and, at that time, I ruled that we ought not to look behind what the House had done and the ruling, as I recall, was sustained by the Senate. The matter was raised by Senator Coppersmith at that time.

Senator NOLAN. Mr. President, what I am saying—and the Chair has also stated—is that we should monitor what the House is doing, but when we are on the floor of this Senate, we cannot be monitoring what the House is doing across the hall. There should be some way that we could make a determination as to what bills we are going to accept from the House prior to their being put on the Calendar.

The PRESIDENT. There are two things you can do now in this situation, Senator. One would be to ask for a ruling and, if you are not satisfied with it, challenge it. Or, you could vote to

nonconcur and send the bill back to the House. Your options are not completely closed.

REQUEST FOR BILL OVER IN ORDER TEMPORARILY

Senator MESSINGER. Mr. President, may I request that Senate Bill No. 578 go over in its order temporarily?

The PRESIDENT. Without objection, we will go over Senate Bill No. 578 temporarily.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 677 (Pr. No. 2040) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 677.

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.

SB 825 (Pr. No. 1685) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 825.

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.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1137 (Pr. No. 1998) — Senator MESSINGER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 1137, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1180 (Pr. No. 1979) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1180.

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—39

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

NAYS—8

Coppersmith,	Early,	Gurzenda,	Snyder,
Duffield,	Gekas,	Schaefer,	Sweeney,

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.

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1493 (Pr. No. 1895) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator HAGER. Mr. President, if I may, I would like to have my comments on Senate Bill No. 1493 also apply to House Bill No. 2278 which is a succeeding bill so that I do not have to repeat myself.

I understand the interest of the Senate in being charitable for a very good cause. The problem is, in this case, we are being charitable with the taxpayers' money and not with our own.

This is a very hard bill for someone to stand up and speak against because it is for the blind.

However, for either one of these bills, it is fine if we are doing it out of our own pockets but, Mr. President, we are not doing it out of our pockets. We are gratuitously spending the money of the taxpayers on a charity which we have decided shall be one which they shall support.

I think the time has come for us to allow charity to be that decision of the individual person and not be imposed upon the taxpayers of this Commonwealth by us. I think we should allow them to choose their own charities. I, personally, am going to make a contribution from my own pocket to each of these charities but I shall not vote to force every taxpayer of this Commonwealth to support the charity unless they want to do it of their own free will. Therefore, I shall be voting "no," Mr. President.

Senator BELL. Mr. President, I have been in the General Assembly for twenty-four years. For twenty-four years the General Assembly has always provided money for the various societies for the blind. I know in the Governor's veto which we overrode last week, there were similar provisions in the General Appropriations bill for purchases of services for the blind, including the Delaware County Blind Center.

I stated last week, and I repeat tonight, if you want to stop waste in this Commonwealth, go after the 110,000-plus employees making between \$13,000 and \$14,000. Go digging for the high-priced people who do not put in a day's work for a day's pay, but do not hurt the blind.

I do not know too much about this Sunshine Foundation, but I read the bill. It reads, the very last line, ". . . for the benefit of chronically and terminally ill children." I do not know of a more pitiful group who need our support than chronically and terminally ill children.

Senator KELLEY. Mr. President, the gentleman from Delaware, Senator Bell, makes a very valid point when he asks where anyone could find a greater need than the chronically ill and the blind. However, it seems to me that the point made by the Minority Leader is also very valid.

I suppose, really, it is the method by which we are doing this. Everyone has the good faith of taking care of those who are less fortunate than we, but perhaps we should be following the pattern we have in the General Appropriations bill in governmental structure itself in providing a governmental instrument to help the disadvantaged.

The point the Minority Leader makes, and I concur with him, is the fact that we are making an outright grant to a nonprofit corporation—or what-not in this case—and they then have the arbitrary discretion on how to spend it. That is not directly approaching a problem which we all recognize.

We have all talked in the past about the nonpreferred appropriations and this is the very essence of consideration. I feel very, very sympathetic and I want, also, to participate.

As a former colleague of mine once said, "When you are using public moneys for an outright grant or gift to a charity, you are fond of these two recipients, you are really double dipping the taxpayers." They are receiving contributions which are tax deductible and they are also receiving public moneys.

I guess what I am trying to say, Mr. President, is that I con-

cur with the sentiments of the gentleman from Delaware, Senator Bell, but I agree with the logic and the reasoning of the Minority Leader. I am going to follow the same pattern as the Minority Leader in this matter for the same reasons. I believe it is time for us to stand up, even though it may be difficult to explain to some people. I would willingly embrace a governmental program to make sure we are taking care of the disadvantaged, but the outright grant is the erroneous way to do it.

Senator SWEENEY. Mr. President, the two bills under discussion allocate a sum of \$25,000 each. In the case of one, to aid chronically and terminally ill children and in the case of the other, the Guild for the Blind in the City of Pittsburgh, the aggregate amount of these allocations approximates less than one-tenth of one per cent of the State budget on which we deliberated several weeks ago.

I really do not think that on an individual basis here this evening, there is any among us who is so insensitive to human needs for these two particular types of needs that he or she would feel obliged, in the interest of economy or in the interest of some philosophical conviction, to vote against these appropriations. I would urge my colleagues to vote in the affirmative for both bills.

Senator CORMAN. Mr. President, I do not think the issue here should be whether we are sensitive to the needs of the people who have the various afflictions to which these organizations address themselves, but to the basic issue of government and whether we should be making the determinations that we are going to give people's dollars to charity or whether they should be able to make those decisions themselves.

I believe these sound like two very good, charitable organizations that we should be considering for personal contributions. I, too, feel this is something that we, as a group of Senators, should not be telling the people that we are going to take their money from them and force them to contribute to these two charities. These are decisions the people should make on their own.

Senator DOUGHERTY. Mr. President, I sometimes wonder about our priorities. We all sit here and vote for capital budgets; we vote to build highways that cost more than \$1 million a mile; we vote to build projects that people really do not need and do not want and nobody seems to be concerned about it.

For about seven years now I have been fighting a highway in my District. The highway, in 1974 dollars, was going to cost \$164 million; that comes down to \$1,200 per cubic inch. Nobody seems to be concerned about the miles and miles of concrete and millions and millions of dollars. We just sit here and blindly vote it all. But when somebody comes along with a project to spend \$25,000 to help children who are terminally ill or to fund a center for the blind, we all get bent out of shape about spending the taxpayers' dollars and wasting the taxpayers' money.

Mr. President, I just have to observe, "Where the hell have we been when we were spending them by the millions and not by the thousands?"

Senator FUMO. Mr. President, I too am outraged at this penny-wise, dollar-foolish attitude we have when it comes down to blind people and crippled children and children who are going to die.

I will agree that the argument of the gentleman from Lycoming, Senator Hager, may have merit, but did it have merit when we voted almost \$100,000 for Dickinson Law School? Did that same argument have merit when we vote over \$100 million a year to Penn State University? These are not even charities, they are educational programs. It is in the same light. We can always draw a fine line to try and distinguish things when it fits our purpose. I think of the many arguments here today. We are talking about \$50,000 as compared to the millions.

Last week I understand—and I must honestly admit I did not get involved in any debate either because it was so rapid—it took us about thirty seconds to vote \$1.6 billion in Federal augmentation funds. This is ludicrous. We are talking about \$50,000 to help people who really need help, to help citizens of this Commonwealth who cannot help themselves. That is what we are talking about. We spent more time debating this than we have a number of other bills that do not do one-tenth the good that this bill does.

Who here wants to deprive a child who is going to die in six months of going to the zoo, or whatever, for \$50,000? I think it is absurd and ask for a "yes" vote in concurrence. Let us get this over with.

Senator COPPERSMITH. Mr. President, I do not intend to talk on the merits of the bill but just point out to the Members in this Chamber that this debate vividly reflects the truth of Parkinson's Law, the less money involved, the longer we talk about it. We had two bills that involved millions upon millions of dollars, Senate Bill No. 292 and Senate Bill No. 1180, with no debate and now we are going about half an hour on a matter calling for an expenditure of \$50,000.

Senator SWEENEY. Mr. President, I just want to supplement my earlier comments. One of my more astute colleagues reminded me that I mentioned that the figure of \$50,000 represents one-one hundredth of one per cent. I was reminded that figure is in error, it is one-one thousandth of one per cent or one one-hundredth of the budget. It is small no matter how you measure it.

The PRESIDENT. Does anybody want to put that into the metric system?

Senator STAPLETON. Mr. President, I certainly intend to vote for both of these bills. I list my priorities and these are two that would be on my priority list. However, I want to remind all the Senators that just last week I introduced a bill and a resolution to eliminate eighteen nonpreferred appropriations over a four-year period, amounting to a saving of about \$7.3 million. I recall one of them was Drexel University, \$3.8 million and I certainly could see no more reason to give Drexel University \$3.8 or several private schools in my area, Grove City or St. Vincent's, the same appropriation.

I hope not too many will vote against these; I certainly hope that these same people, who vote "no" when my bill reaches the floor, will support me in the savings that really amount to something, over \$7 million as compared to these two that total a \$50,000 appropriation.

Senator SNYDER. Mr. President, there is a certain geographical preference that enters into this sort of decision. The \$25,000 for the Greater Pittsburgh Guild for the Blind is for the blind people of Pittsburgh. I would like to point out that we

presently have a \$1 million drive in Lancaster for a center for the blind. We are endeavoring to do it with local money, volunteer effort all the way through, and it is my hope that we do not have to come to the Legislature to ask for any help.

Obviously the amount is very modest compared with the amounts with which we deal, but the principle is important with respect to this. There are a thousand causes in Pennsylvania—more than that I am sure—equally deserving and not, perhaps, quite as appealing as the second one here, but they are equally deserving as a matter of logic. If we start much of this, we will be inundated with a great many appeals. That is a factor we cannot ignore.

The comparison is made that we have millions for highways; that is a legitimate and proper State function. We have hundreds of millions for our universities and our schools; again, that is the prime duty of the State.

I am going to vote against these pretty much for the reasons expressed by the gentleman from Lycoming, Senator Hager. It is a hard thing to do. It gives one the appearance of hard-heartedness but, after all, the State must put its priorities first. To establish a thing as a matter of principle is the real danger here and also the matter of preferring one area of the State over another.

Senator HAGER. Mr. President, I would like to mention two things. First of all, this is the second \$25,000 we are sending to Pittsburgh. The General Appropriations bill has in it an approval for the Pittsburgh Association for the Blind for \$25,000. Here is another one for the Pittsburgh Blind Guild for \$25,000. I would merely like to say that those Senators who salve their own conscience by thinking they are being charitable with a vote on this bill, particularly the two from Delaware County, are not being charitable at all. I suggest that I will give money out of my own pocket—that is charity—not forcing taxpayers to do it.

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.

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

YEAS—37

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

NAYS—10

Corman,	Hess,	Kelley,	Snyder,
Gekas,	Hopper,	Moore,	Tilghman,
Hager,	Howard,		

A constitutional two-thirds 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 2278 (Pr. No. 2898) — 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—39

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

NAYS—8

Corman,	Hager,	Howard,	Snyder,
Gekas,	Hopper,	Kelley,	Tilghman,

A constitutional two-thirds 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.

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. In order to be certain that we address ourselves to all the pertinent matters from the House, we will proceed to consider everything that everyone agreed to consider but will first act on all the House bills in order to get over to the House whatever must be gotten over as quickly as possible.

THIRD CONSIDERATION CALENDAR RESUMED

HB 629 CALLED UP OUT OF ORDER

HB 629 (Pr. No. 695) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 629 (Pr. No. 695) — 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 EARLY. 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—34

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

NAYS—13

Andrews,	Hager,	Howard,	Moore,
Corman,	Hess,	Kusse,	Snyder,
Early,	Hopper,	Manbeck,	Stauffer,
Gekas,			

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

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

SB 578 CALLED UP

SB 578 (Pr. No. 2007) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar under Bills on Concurrence in House Amendments, by Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 578 (Pr. No. 2007) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 578.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I feel as though I am in the throes of a dilemma in my own heart and conscience. The bill before us is clearly unconstitutional. I refer specifically to Section 18 of the Pennsylvania Constitution that deals with the subject matter of attainder. It is not a difficult section to understand. It simply says, "No person shall be attainted of treason or felony by the Legislature." In translation, all it means is that if a person has been convicted of a felony, civil reprisals cannot be taken. This bill does nothing more than that.

On the other hand there is the hard, clear decision that was rendered in the case of Commonwealth versus Hilton, which also says that what we are attempting to do by this bill we cannot do.

The other side of the coin is that being of flesh and blood and bones and the like, we know that there sits a public who wants us to vote in favor of this kind of thing, irrespective of what the law is.

I am going to vote "yes" on this bill with a great deal of sad-

ness because, as I look at the Constitution and I certainly believe that those who framed the Constitution in the first instance really wanted to know that, if somebody was convicted of a crime, we would not take civil reprisals.

I challenge anybody in this Body to tell me that when you, in fact, impose the kind of civil sanctions represented in this bill that have their genesis, their origin and their beginning in the commission of a crime, if that is not the fact and is that not precisely and clearly in point what we are doing in contravention to Section 18 of the Constitution.

The only hope that I can use by way of weaseling around the conclusions I have arrived at in voting against what my good judgment tells me, as a practicing lawyer, is the fact that there is a severability clause in this Constitution and that others will be inclined to follow the fashion of the day, the attitudes of the public and that of the press. It is unfortunate but nonetheless true.

I wanted those remarks to be spread upon the record simply so that some day, maybe, I can look back and reflect upon it as having been correct in attitude but not action.

Senator McCORMACK. Mr. President, I cannot believe what I am hearing on this floor tonight, especially coming from attorneys. I had been in the House of Representatives for ten years and I have heard the question of constitutionality of bills being raised there. I have heard the question of constitutionality being raised since I was sworn in as a Member of this Senate. I just do not believe the argument that there is a severability clause in this bill and, therefore, an attorney Member of this Senate can justify his action. I just cannot believe what I am hearing.

Mr. President, we have an oath of office to which we must subscribe. That oath of office is that we will support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania.

We may argue that the bill is unconstitutional and there is probably a justifiable argument to sustain that conclusion, but I reject, as sheer sophistry, the statement that there is a severability clause. I think we have a duty as attorneys. I voted for this bill before and I voted for the retroactivity application and I was wrong. I clearly believe that it is unconstitutional.

I am not going to suggest that because the newspapers are going to criticize me that I am going to say, let it up to the Supreme Court of Pennsylvania to make the ultimate decision as to its constitutionality.

Therefore, Mr. President, I suggest to this Body that this bill in its present form is unconstitutional and I ask that there be a roll call vote on that question.

The PRESIDENT. Please wait just a minute Senator. You have made a request and I intend to put the question as soon as I frame it correctly.

We will be at ease for just a moment.

(The Senate was at ease.)

The PRESIDENT. The question raised and presented by Senator McCormack, which is a proper one, challenges the constitutionality of Senate Bill No. 578, Printer's No. 2007.

The question before the Senate is,

Is Senate Bill No. 578, in its present form, constitutional?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Bucks, Senator Howard, will state it.

Senator HOWARD. Mr. President, what will the effect of the vote be once it is taken on the legislation or succeeding action of the courts if there is, in fact, succeeding action?

The PRESIDENT. I did not hear you entirely, Senator, but let me say this: If it is declared constitutional in its present form, we shall proceed to further consider the bill. If it is declared unconstitutional in its present form, I would return it to the House of Representatives with that information.

Senator HOWARD. Therefore, Mr. President, a vote on this issue is not advisory but can be conclusive on the issue.

The PRESIDENT. As to its constitutionality, indeed it can, Senator. This Body has always had the power to determine the constitutionality of a matter before it before acting upon it.

Senator HOWARD. Binding, Mr. President, a court beyond the action of this Body?

The PRESIDENT. Senator, I did not understand your question.

Senator HOWARD. Mr. President, we have been told that there are some aspects of the bill which are in question and there are some aspects of the bill which are not and that the courts will make that determination later. Are we then anticipating that action by the courts and, if so, will the courts then be bound by the action we take here tonight on this issue?

The PRESIDENT. Not necessarily, in my opinion, Senator.

Senator HOWARD. Therefore, Mr. President, we are advisory?

The PRESIDENT. You are asking me for an opinion, Senator, and my opinion is that the courts, which are a separate branch of government, would act entirely in an independent way.

PARLIAMENTARY INQUIRY

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

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

Senator COPPERSMITH. Mr. President, it has been my understanding that when we vote on final passage of a bill, in that we are expressing our opinion as to constitutionality or unconstitutionality. Are we going to adopt the procedure now of having a separate vote on constitutionality or unconstitutionality?

The PRESIDENT. Senator, we have done this before. I share your opinion that, if a person viewed this bill as unconstitutional, they should vote against it on final passage for that reason. But, the question was raised and I am compelled by our Rules to lay constitutional questions before the Body as a whole which is what I am doing.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Cumberland Senator Hopper, will state it.

Senator HOPPER. Mr. President, is it possible when parts of the bill could be considered unconstitutional and the remainder constitutional we are forced to declare the whole bill unconstitutional?

The PRESIDENT. We will be at ease for just a minute. (The Senate was at ease.)

The PRESIDENT. It is the judgment of this Chair that it would be difficult to separate the questions involved unless they were specifically raised by the Members. If a Member chooses to do that, I will address that question when it is posed.

The issue has been raised by Senator McCormack and I have placed it before the Senate. There should not be any question in anyone's mind about the issue. The issue is very simple: Is this bill in constitutional form or is it not?

Senator NOLAN. Mr. President, I have always been taught that when you go to a doctor and pay the doctor, you take his advice. When you go to an attorney and you pay the attorney, you follow his advice. Since my tax dollars are helping to pay these attorneys on this floor who are telling me this is unconstitutional, I am voting against the bill.

Senator LEWIS. Mr. President, I believe the gentleman from Cumberland, Senator Hopper, started to touch upon the point which some of us have tried to make here this evening. That is, in our opinions, one provision of this bill, at least, is clearly unconstitutional. That is Section 7.

There is a very good possibility, as I view it, that Subsection (c) of Section 3 is equally unconstitutional. However, I do not feel that the balance of the bill suffers from that defect. In fact, all of the remaining portions of the bill are perfectly legitimate and within the bounds of our constitutional framework. Therein lies the dilemma which we have tried to express. I believe we would be making a very bad mistake in declaring the entire bill to be unconstitutional because most of it clearly is not.

Therefore, we have discussed the problem from the standpoint that since we have an "all or nothing" package in front of us now, we believe the method for dealing with the clear unconstitutionality of certain portions can only be left in the hands of the court.

If I may, Mr. President, as an aside, to answer, in addition to the Chair's response to the gentleman from Bucks, Senator Howard, the fate of a bill, in the event this Body declares it to be unconstitutional, let me recall for him the Chair's very eloquent description of a few months ago when the Chair described it as going "pffft."

The PRESIDENT. After consultation with the Parliamentarian, I think the gentleman is correct. The net effect of your ruling that it is unconstitutional would be just as devastating as if you voted it down. Then it would be dead.

Senator BELL. Mr. President, I know the hour is late. I have heard some very astute constitutional decisions here tonight, all of which were made without the research attorneys conduct before they give legal opinions. I submit we are getting opinions as to constitutionality which are taken from the various attorneys' past experiences. I made the mistake of making that statement one time on this floor on no-fault insurance, clearly

unconstitutional. You know what? Three Supreme Court Justices agreed with me and four did not.

Senator McCORMACK. Mr. President, I am not concerned with opinions so much as I am concerned with attorneys on this floor admitting that certain provisions in this bill, especially the retroactive provisions, are unconstitutional. I just cannot believe that we are going to vote because of the public issue here. We are going to vote to pass this bill notwithstanding the fact that every attorney in this Body says that parts of the bill are unconstitutional. I do not know an attorney here who will stand on this floor and will say that this bill, in its present form, is constitutional.

What is so important that this bill be passed tonight? If parts of it are unconstitutional, why do we not delete those parts which we feel are unconstitutional and come up with a good bill? We had a good bill before it went over to the House. I do not see why we cannot, as responsible Legislators, do that rather than to justify our actions by saying that the courts, at some future time if and when the issue comes before them, will do their duty and declare the act severable and those sections unconstitutional. It is incumbent upon us. It is constitutionally mandated that we vote in accordance with the Constitution. To do anything less than that this evening is a violation of our oath of office.

The PRESIDENT. The Chair feels compelled to ask the Members for full tolerance upon the part of the other Members of the Senate, particularly as it relates to their motives, and to be cautious in the language that is used even though, from time to time, you do become emotionally involved in legislation.

Senator MESSINGER. Mr. President, I remember other bills that were passed that were later declared unconstitutional, that we thought were constitutional. If we always passed bills that were always constitutional we would take a lot of business away from the courts.

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

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

Senator McCORMACK. I will, Mr. President.

Senator SWEENEY. Mr. President, the gentleman may not be aware of the fact that I am not a lawyer and I, as an aside, make the observation that it is unfortunate that the Council of Trent was deprived of the gentleman's wisdom in interpreting constitutional questions and others.

Let me put this question to the gentleman: Is any part of the bill currently before us, in the gentleman's judgment, constitutional?

Senator McCORMACK. Yes, Mr. President.

Senator SWEENEY. In effect, Mr. President, what the gentleman is suggesting is that we do have before us a bill that does have elements that, in his judgment and the judgment of others of us, is constitutional but, at the same time, he would want to put us in the awkward position of having to vote on the constitutionality of the bill in toto and residually jeopardize the passage of the bill notwithstanding the fact, and notwithstanding his ridicule of the severability clause in the bill, that that portion may be subsequently declared unconstitutional would

not, in fact, invalidate the portion of the bill that is, in fact, constitutional.

My question then, Mr. President, to the gentleman is: As he has conceded that part of the bill is constitutional but not withstanding that, he is not prepared to permit the bill to pass and have the court, in its wisdom, pass on those portions which are or may be unconstitutional with the other portions remaining in effect because of the severability clause?

Senator McCORMACK. Mr. President, I ask the gentleman to repeat that question, please.

Senator SWEENEY. Mr. President, my question is simply this: What credence does the gentleman place in a severability clause? What reliance does the gentleman place on it?

Senator McCORMACK. Mr. President, there is no question in my mind that a severability clause is certainly a proper legislative tool which is very effective and there is no question in my mind that ultimately the courts will probably decide that part of it is unconstitutional. I am not suggesting at all that that is not going to happen.

What I am saying is, and maybe I am wrong, but under the oath of office that I took, I must, right now, in voting on every bill, vote only if I believe that it is not in violation of the Constitution. I do not want to be put in that position.

Senator SWEENEY. Mr. President, I would suggest to the gentleman if he feels this way, it is his perfect right to do so, that he vote against the bill and not deprive the others of us who are prone to vote in favor of the bill. We may not have the opportunity to vote in favor of the bill if the bill is declared unconstitutional here in the Chamber.

Senator BELL. Mr. President, I would like to correct something the gentleman from Philadelphia, Senator McCormack, stated on the floor, that there was not one lawyer in this Chamber who did not believe this bill was unconstitutional. I still happen to be a lawyer and I was one, I think, before the gentleman from Philadelphia. I am going to say this: If we want to go down and gamble on what seven people on the Supreme Court will do, let us go down to the casino in Atlantic City where we can win real money.

Senator McCORMACK. Mr. President, I thank the Senator for his advice.

Mr. President, I want to vote for the bill. I want to disabuse the gentleman from Delaware, Senator Sweeney, that I am against this bill. I am in favor of this bill. I voted for it before and I voted for the amendment subsequently put in by the House. I am in favor of it and I want a good bill. I believe it is absolutely necessary and yet, in violation of the Constitution, I cannot do that. Therefore, I will have to vote "no" in its present form.

PARLIAMENTARY INQUIRY

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

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

Senator FUMO. Mr. President, my question is: If the gentleman from Philadelphia, Senator McCormack, were to withdraw his request and if the Members of the Senate who agree with

me and the gentleman that this bill is unconstitutional, at least in part, voted not to concur on that basis, would not this bill then be sent to a Committee of Conference where that problem could possibly be solved?

The PRESIDENT. It would first be returned to the House of Representatives who would have the opportunity of receding from its amendment. If they did not do so, the bill would then be sent to a Committee of Conference.

Senator FUMO. Then, Mr. President, there would be two opportunities to solve this problem; the first being the House's vote to recede from the amendment and the second one being a Committee of Conference?

The PRESIDENT. That is correct, Senator.

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

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

Senator McCORMACK. I will, Mr. President.

Senator FUMO. Mr. President, in light of the factual situation which I just put forth, would the gentleman withdraw his question as to the constitutionality and allow us to proceed in the way enumerated by me?

Senator McCORMACK. Mr. President, conditionally I would be glad to do that but I do not wish to be put in an embarrassing position of voting to nonconcur, withdrawing my question as to constitutionality, and then having to vote against the bill when this Senate has not decided on the constitutionality of the bill.

Senator FUMO. Mr. President, I would just like to ask the gentleman then to withdraw his question as to the constitutionality, because I believe he has made his position thoroughly clear on the record and that is why we come here, to talk. We could easily send in our votes but many times we must get up and explain our votes. I believe that would be the method of correcting it and I ask the gentleman to withdraw his question as to the constitutionality based on that ground. I thoroughly agree with him that that portion is unconstitutional.

I believe that might expedite the process and might allow us to get along with the business of the Senate.

Senator McCORMACK. Mr. President, I will be glad to withdraw the question as to constitutionality in good faith.

The PRESIDENT. Without objection, Senator McCormack withdraws his question as to the constitutionality for the purpose of a vote.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House?

Senator HAGER. Mr. President, I just wanted to reassure the gentleman from Philadelphia, Senator McCormack, that the bill is constitutional.

I was just talking with Representative Jack Seltzer and told him what was going on over here and he said, "Please tell my good friend there is no question about it. It is constitutional because the House says it is."

The PRESIDENT. Would it be disrespectful of me to remind you that my dear friend, Representative Seltzer, is also in the business of manufacturing bologna?

Senator FUMO. Mr. President, I now assume we are back on the question of whether to concur or not. At this point then I would like to speak to the issues I have heard raised.

Everyone has discussed the constitutionality of this bill and I have yet to hear anyone, except for the message we have gotten from Mr. Seltzer, say that it is constitutional. We seem to be ducking that issue.

I have heard peripheral arguments like, "We have passed bills before and we would take the courts out of business if we did our work properly," but that is not the issue here. We are not talking about a piece of legislation that is questionably unconstitutional. We are talking about a piece of legislation that is blatantly unconstitutional. We are talking about a piece of legislation where many Members have gotten up and stated that they agree it is unconstitutional.

Maybe I am naive but I do not believe it is our responsibility to pass laws that are constitutional to the best of our ability. We rise to speak and say that a bill is unconstitutional but we will do it because it is the fashion, or it is the attitude.

I always thought that this was a Nation of laws and not of men.

The PRESIDENT. May we have some order? Senator Fumo has promised me that if you all pay attention he will not take too long in debating this issue. Otherwise, he may go on forever.

Senator FUMO. Mr. President, I was under the assumption that this is a Nation of laws and not of men and when we agree that something is unconstitutional we stand up for that. This Senate is supposed to have a conscience and it is supposed to have courage.

Mr. President, I urge all my colleagues to vote "no" on this bill with the clear understanding that we are not saying we are not in favor of the overall substance of the bill, we already voted for that. I am asking the Senate to vote "no" based on the fact that that particular provision is unconstitutional, clearly. Then we can hope that the House will recede from its amendments. If not, we can go to a Committee of Conference where we can remove this, hopefully, and then come back and vote on this bill in a constitutional form.

I therefore, ask everyone to vote "no" on this for that particular reason only. I believe it is totally irresponsible to get up and say that certain parts are unconstitutional, however, I would like to remind the Senate also of one thing—

The PRESIDENT. Will the gentleman yield?

PERSONAL PRIVILEGE

Senator STAUFFER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, repeatedly the gentleman is making remarks which question the motives of the Members of the Senate with regard to their votes and I would suggest to the President that he look at Rule III, Section (c) and direct the gentleman to debate the legislation and not speak to the motives of the Members with regard to their votes.

The PRESIDENT. If you will recall, Senator Stauffer, I, in a

much more mild approach a few minutes ago, tried to jog the conscience of the Members about that rather sensitive fact. I recognize there is a great deal of emotion involved in this legislation so I would once again ask the Members—and I am sure Senator Fumo will follow that advice—to speak to the issue at hand and no longer challenge the motives of other Members in what they do.

Senator FUMO. Mr. President, I would like to continue. I lost my place, but I think I still agree that this is unconstitutional. We have got to act responsibly and vote “no” when we agree to that.

Senator O’PAKE. Mr. President, I do not want to engage in any exercise in semantics, but I think it should be pointed out very clearly, in light of some of the very broad and general language thrown around very loosely this evening, that the question of whether or not Section 7, the retroactivity section, or any other section of this bill is or is not constitutional will ultimately be decided by an Appellate Court. We should be very careful when we throw our layman’s, or even legal opinions around as to constitutionality. That Appellate Court will carefully decide that question after reviewing carefully prepared briefs containing all the research in the law and after hearing oral argument.

Therefore, Mr. President, I do not believe that any of us, tonight, should be accused of voting for a blatantly unconstitutional bill just because one section may be, on appeal, decided by a Supreme Court sometime that it is constitutional. I think we must draw that distinction.

There are those of us who would prefer to let the court make the decision as to whether one section is constitutional or not. That is our system of government. They have a procedure for doing that; they will carefully hear argument which we have not done this evening, at least not legal argument. They will then make that judgment.

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

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

PARLIAMENTARY INQUIRY

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

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

Senator McCORMACK. Mr. President, may I be excused from voting?

The PRESIDENT. You may not, Senator.

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

YEAS—39

Andrews,	Hess,	Messinger,	Schaefer,
Bell,	Holl,	Moore,	Smith,
Coppersmith,	Hopper,	Murray,	Snyder,
Corman,	Howard,	Noszka,	Stapleton,
Dougherty,	Jubelirer,	O’Pake,	Stauffer,
Dwyer,	Kelley,	Orlando,	Stout,
Early,	Kusse,	Reibman,	Sweeney,
Gekas,	Lewis,	Romanelli,	Tilghman,

Gurzenda, Hager,	Manbeck, Mellow,	Ross, Scanlon,	Zemprelli,
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NAYS—8

Arlene, Duffield,	Fumo, Hankins,	Lynch, McCormack,	McKinney, Nolan,
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A constitutional majority of all the Senators having voted “aye,” the question was determined in the affirmative.

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

HB 920 CALLED UP OUT OF ORDER

HB 920 (Pr. No. 3515) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 920 (Pr. No. 3515) — 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 NOLAN. Mr. President, the bill before us is the type of bill my good friend on the other side of the aisle, the gentleman from Delaware, Senator Bell, referred to as a “turkey,” coming up at the last minute.

Yesterday this bill was amended. It was in bad shape before it was amended and now it is in a terrible shape. Not only will it change the procedure and establish a new board, it will give them the right to set their own salaries.

I have been approached by one of the present members of this commission outside the Saint Lawrence Church on State Street in the morning. He was lobbying for a salary of \$35,000 which would more than double his present salary. I have been sitting here tonight listening to the reasons given as to why we should not fund the blind association and we should not fund another organization in Philadelphia because the general public has said they are sick and tired of our spending here in Harrisburg. I might also say that the papers have been full of the news that the general public is opposed to an increase for Legislators’ salaries or any other benefits for Legislators.

I cannot believe this type of bill was released from committee which will give the members of this commission the right to work part time as they are doing now. The bill as it was yesterday at least said they would have to work full time. The amendment accepted yesterday permits them to remain as part-time members and further gives them the right to set their own salaries.

I am sure, since they do not stand for election, the first thing they will do is set a salary of \$35,000 or better. I believe they are overpaid now. They are part time; we are full time here in the Senate and we do not have the guts to vote a raise for ourselves, let alone give them the authority to raise and set their own salaries.

Mr. President, I would ask my fellow Senators to vote against this bill.

Senator GURZENDA. Mr. President, I would like to mention that this board has not received an increase in salary since 1961.

Additionally, they will not be setting their own salaries. The salaries will be set by the executive board and the conditions of employment can be determined or established by the executive board to make it full time. I am sure the Governor will instruct the executive board that this is a full-time position.

Senator BELL. Mr. President, the executive board is the outfit which set the salaries for more than 110,000 State employees at \$13,000 or better. If we are talking about setting high salaries, that outfit can lead the horse race.

Mr. President, I ask for a negative vote in supporting the gentleman from Allegheny, Senator Nolan.

And the question recurring,
Shall the bill pass finally?

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

YEAS—28

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

NAYS—19

Andrews,	Gekas,	Howard,	Snyder,
Bell,	Hager,	Kusse,	Stapleton,
Corman,	Hess,	Manbeck,	Stauffer,
Dwyer,	Holl,	Moore,	Tilghman,
Early,	Hopper,	Nolan,	

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 1063 CALLED UP OUT OF ORDER

HB 1063 (Pr. No. 2925) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL OVER IN ORDER

HB 1063 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

HB 1718 CALLED UP OUT OF ORDER

HB 1718 (Pr. No. 2085) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1718 (Pr. No. 2085) — 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,	Noszka,	Stauffer,
Dwyer,	Kelley,	O'Pake,	Stout,
Early,	Kusse,	Orlando,	Sweeney,
Fumo,	Lewis,	Reibman,	Tilghman,
Gekas,	Lynch,	Romanelli,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—1

Nolan,

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 1926 CALLED UP OUT OF ORDER

HB 1926 (Pr. No. 2370) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL OVER IN ORDER

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

HB 2420 CALLED UP OUT OF ORDER

HB 2420 (Pr. No. 3373) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2420 (Pr. No. 3373) — 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 ANDREWS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.
Senator MANBECK. 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—37

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

NAYS—10

Corman,	Howard,	Moore,	Stout,
Hager,	Kusse,	Snyder,	Tilghman,
Hess,	Manbeck,		

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.

PERMISSION TO ADDRESS SENATE

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

Senator NOLAN. Mr. President, the way we have been jumping around on this Calendar, I was confused. I did not realize we were voting on House Bill No. 1718, on which I voted in the negative. I wish to be voted in the affirmative.

The PRESIDENT. The gentleman will be so recorded. I can understand the confusion, Senator. I will make the notation in the Journal so that it is clear.

THIRD CONSIDERATION CALENDAR RESUMED

HB 2520 CALLED UP OUT OF ORDER

HB 2520 (Pr. No. 3402) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2520 (Pr. No. 3402) — 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.

COMMITTEE OF CONFERENCE APPOINTED ON SB 645

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators SMITH, MESSINGER and TILGHMAN, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 645.

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

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

BILL SIGNED

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

SB 1233.

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

CONSIDERATION OF SENATE CONCURRENT RESOLUTION, SERIAL NO. 216

Senator MESSINGER. Mr. President, at this time I ask for unanimous consent to consider Senate Concurrent Resolution, Serial No. 216, entitled:

Joint Committee to investigate administrative practices and policies of the State Workmen's Insurance Fund.

On the question,
Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, SERIAL NO. 216, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 216.

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

Senator ROMANELLI. Mr. President, because of the fact that the prime sponsor of the resolution is not present, may I suggest that we go over this resolution until the gentleman from Blair, Senator Jubelirer, can be here and speak on the resolution?

Senator HAGER. Mr. President, the gentleman from Blair, Senator Jubelirer, is on legislative leave and asked me to make sure, if I did nothing else, that this resolution passed this evening.

Senator ROMANELLI. Mr. President, the gentleman may not be for the resolution. He signed a resolution earlier today and then voted against it. Therefore, I would rather have him on the floor to speak on the resolution and I would so move.

The PRESIDENT. Senator Romanelli, what is your motion?

The question before the Senate is: Will the Senate agree to the resolution? What do you suggest we do?

Senator GURZENDA. Mr. President, this is a very serious resolution in which I am interested. As a result of a flaw in our compensation laws, a coal company which recently went bankrupt, is going to leave the State holding more than \$9 million in compensation bills. Therefore, I believe we should move on this resolution today, appoint a committee so that it can be sent to the House. It is a joint committee of both the House and the Senate. I hope we can move on this resolution today so that we can proceed during the summer to continue the investigation.

Mr. President, I ask for its unanimous adoption.

The PRESIDENT. For the information of the Members, one of the reasons we are considering this resolution now is because it is a concurrent resolution and does require attention by the House. As soon as we finish this, we will then proceed to the consideration of the Senate bills. That is why the resolution was taken out of order.

MOTION THAT RESOLUTION BE LAID ON THE TABLE

Senator ROMANELLI. Mr. President, I move that this resolution be laid on the table.

Mr. President, I request a roll call vote.

On the question,

Will the Senate agree to the motion?

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

YEAS—1

Romanelli,

NAYS—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, | | |

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

And the question recurring,

Will the Senate agree to the motion to adopt the resolution?

The motion was agreed to and the resolution was adopted.

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 448 (Pr. No. 458) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, this bill provides that the county governments contribute various sums of money for expenses for the Association of Constables. Constables are very fine gentlemen, I am sure. I know quite a few of them and they perform a very good function.

However, I would like to point out that they are not county officers, they are not employees of the county and they are not really involved in most of the county governments. They do collect a fee for their services rendered based on a fee schedule. Most of the jobs they could perform for the counties are performed by the counties' sheriffs or sheriffs' deputies.

Mr. President, I suggest if the Commonwealth of Pennsylvania and Members of this Senate feel that someone should be paying these expenses, it should be the Commonwealth. This burden should not be placed on the counties.

Therefore, Mr. President, I would urge a "no" vote on the bill.

Senator LEWIS. Mr. President, I rise in support of Senate Bill No. 448 and would like to respond to the suggestion made by my colleague from Centre, Senator Corman.

The constables are, in fact, locally elected officials but, as I think most everyone knows, their work is directly related to and specifically benefits the counties through the fees and services they generate on behalf of the county. They, in fact, deliver great sums of money into the treasuries of each of the counties and that is why it seemed to me to be appropriate to ask the counties in return to make a very modest contribution for the purpose of continuing education, an opportunity for these public officials to better do their job.

We are not asking for a lot of money. In counties of the third class the maximum contribution would be \$300. In counties of the sixth class, for example, it would be \$100.

Mr. President, we are not asking for something that does not already exist. Thirteen other categories of county officials are already identified in the bill as part of the reprint operation. You will see from the controllers all the way down to the county auditors. We already make it possible for them to annually conduct a business meeting for the benefit, not only of the people within the association, but also for the people of the entire county.

For those reasons, Mr. President, I would ask my colleagues for an affirmative vote on this bill.

Senator BELL. Mr. President, I support the gentleman from Bucks, Senator Lewis. What the gentleman did not say is that the constables serve processes for the district justices and the costs of the district justices' courts go into the county treasury. The constables also serve as the election police officers, for which they are responsible to the county election bureau. What we heard in the Committee on Local Government when this bill was considered is that the constables are endeavoring to get a State organization so they can better educate themselves to better serve the people of their respective counties.

And the question recurring,
Shall the bill pass finally?

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

Senator MESSINGER. Mr. President, Senator Mellow wishes to change his 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—33

Andrews,	Hess,	Messinger,	Ross,
Bell,	Holl,	Murray,	Scanlon,
Coppersmith,	Kelley,	Nolan,	Schaefer,
Dougherty,	Lewis,	Noszka,	Smith,
Duffield,	Lynch,	O'Pake,	Snyder,
Early,	McCormack,	Orlando,	Stout,
Fumo,	McKinney,	Reibman,	Sweeney,
Gurzenda,	Mellow,	Romanelli,	Zemprelli,
Hankins,			

NAYS—12

Corman,	Hager,	Jubelirer,	Moore,
Dwyer,	Hopper,	Kusse,	Stauffer,
Gekas,	Howard,	Manbeck,	Tilghman,

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

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

SB 585 (Pr. No. 2043) — 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 PRESIDENT. The Chair wishes to remind the Members that yesterday, which was really this afternoon, I permitted a great deal of latitude in the discussion on amendments to this bill and we will permit open and free debate. But, in the interest of mercy for the Members, please keep it concise and to the point.

PARLIAMENTARY INQUIRY

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

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

Senator FUMO. Mr. President, as I understand the Rules of the Senate, specifically Rule XVI, Section 16(b), it states: "No bill which may require an expenditure of Commonwealth funds shall be given third consideration reading on the Calendar until it has been referred to the Appropriations Committee, and a fiscal note has been attached thereto."

As I understand the history of this bill, it has not been referred to the Committee on Appropriations and one of the amendments which came up is now in the present Printer's No. 2043, which I have before me. It appears on page 9, specifically Section 13, subsections (a) and (b), which requires that insurance companies now report certain data to the Insurance Commissioner and furthermore, that the Insurance Commissioner, within sixty days of the report submission, report his findings to the Members of both the House and Senate Committees on Judiciary.

In my opinion—and I would like the Chair to rule on this—it appears that this certainly may require the expenditure of Commonwealth funds in that the Insurance Commissioner must spend at least some time and have some staff prepare this data and report back to the various committees.

CHAIR REVERSES ITS DECISION

The PRESIDENT. Before addressing the issue raised by the gentleman and in order not to preclude his opportunity to make a proper motion, the Chair would reverse its decision by which the bill was considered for the third time.

The bill is now before us on third consideration.

For the Members, I will read the Rule: "No bill which may require an expenditure . . ."

I will read it again: "No bill which may require an expenditure of Commonwealth funds shall be given third consideration reading on the calendar until it has been referred to the Appropriations Committee, and a fiscal note has been attached thereto."

The Chair would suggest to Senator Fumo that it would not be proper for the Chair to make such a ruling inasmuch as I do not have the information concerned with the bill, but a proper motion that the bill be recommitted to the Committee on Appropriations in accordance with that Rule could be made by the Senator.

MOTION TO REREFER

Senator FUMO. Mr. President, I move that Senate Bill No. 585 be rereferred to the Committee on Appropriations, based on the reasoning set forth in my question to the Chair.

The PRESIDENT. It has been moved by Senator Fumo, in accordance with the Rules of the Senate, that Senate Bill No. 585 be rereferred to the Committee on Appropriations for the purpose of obtaining a fiscal note.

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

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

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

YEAS—17

Arlene, Bell, Duffield, Fumo, Hankins,	Lynch, McKinney, Mellow, Messinger,	Nolan, Noszka, Orlando, Romanelli,	Scanlon, Smith, Sweeney, Zemprelli,
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NAYS—29

Andrews, Coppersmith, Corman, Dougherty, Dwyer, Early, Gekas, Gurzenda,	Hager, Hess, Holl, Hopper, Howard, Kelley, Kusse,	Lewis, Manbeck, McCormack, Moore, Murray, O'Pake, Reibman,	Ross, Schaefer, Snyder, Stapleton, Stauffer, Stout, Tilghman,
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So the question was determined in the negative, and the motion was defeated.

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

Senator DUFFIELD. Mr. President, I would just like to make a few remarks to the bill, not having spoken on the amendments.

We have all received considerable correspondence from business and industry concerning their fears and citing examples, myriad examples, of the astonishing increase in insurance premiums in order to carry product liability insurance.

This bill was submitted and then we had several public hearings on the bill. During one of the first hearings, I posed a question to the insurance industry. "If this bill is passed, can you give us any guarantee that insurance premiums will be reduced or the accelerated increase in insurance premiums will cease?" The insurance people at the meeting could give us no such assurance.

I do believe that this bill is very similar to the high ideals put forth when no-fault was passed here; that if we pass no-fault insurance our car insurance premiums would decrease because we would not have to pay out as much in court cases and liability damages to injured plaintiffs. We found that no-fault was more "no-farce" than no-fault. The premiums on automobile insurance policies have accelerated more since the passage of no-fault than ever before in history.

Mr. President, I am voting against this bill because I believe there are evils present in the system today. I realize that the insurance industry is getting its ounce of blood from the business community and it is increasing at an alarming rate. However, I do not want to see the Senate of Pennsylvania fool industry and commerce by holding out a panacea that, upon the passage of this bill, their evils are going to be corrected.

This bill has very little effect on goods made in another State or another country where jurisdiction may be had outside of Pennsylvania and, even if it did, what is a twelve-year statute of limitations? I believe facts show that ninety-five per cent or

ninety-eight per cent of all claims, under products liability, occurred within twelve years. I believe that also is a farce.

I believe there is a definite need for a strong products liability bill. I do not think this is a strong bill and I do not think it will correct the evils attendant upon the present problem.

I will predict, if this bill becomes law, that the acceleration of insurance premiums will continue ad infinitum to such an extent that most companies will have to be self-insured.

I, therefore, am going to vote in the negative on this bill because it is not—we are fooling the public, we are fooling industry—the panacea we think it is. I predict, without a bit of hesitation, that it will not, in one iota, affect the rapidly increasing insurance premiums.

Senator ZEMPRELLI. Mr. President, let me assure you that my remarks will be extremely brief.

The PRESIDENT. I was startled by everything Senator Duffield said, particularly that Latin expression, "ad infinitum."

Senator ZEMPRELLI. Mr. President, I received a telegram as we were debating other issues earlier and I would like to read it and enter it upon the record. It was sent to me and, as I said, one of the Pages gave it to me in sealed form. It is from Washington, D.C.

It is directed to Senator Edward Zemprelli, Harrisburg, Pennsylvania.

"Dear Senator Zemprelli:

"I encourage your courageous efforts on behalf of Pennsylvania consumers and workers.

"Senate Bill No. 585 would prevent many persons injured by long-term effect products such as dangerous drugs and toxic substances from recovering for their injuries. It would also legitimize the lowest common denominator performance in a given industry. I applaud your battle to retain the rights that courts have accorded to consumers, workers, infants and older people over the last-century against the incursions of an insurance lobby that cannot even begin to disclose any supporting facts for its callous demands. I hope you and other state senators can defeat this cruel and insupportable special interest legislation."

That is signed "Ralph Nadar."

Mr. President, I do not know Ralph Nadar and I do not always agree with him on the things I have read in the press, but I wholeheartedly endorse his calculated view as to this legislation.

I think if we pass Senate Bill No. 585 today, we will have performed one of the greatest consumer ripoffs of our time.

I am going to point to one event which took place with respect to Senate Bill No. 585. We did not hesitate for a moment to establish presumptions in favor of manufacturers and sellers of products. When I offered an amendment that would establish a standard of conduct giving presumptions in favor of the consumer, this Body rejected those standards. Therein lies the balance. The instance being, the difference is that we are posited here today to favor the manufacturer and the seller as against the interests of the consumer because the issue is drawn precisely that way.

I regret that we consider this kind of legislation. I am sure in

the future all of us will regret having passed it, if we do pass it.

Mr. President, I sincerely request the Senate to give serious consideration to this monumental piece of legislation and summarily dismiss it by voting against it.

Senator BELL. Mr. President, in these same Chambers I have heard people say we should have no-fault insurance and the rates would go down; we should have medical malpractice insurance and our doctors would not get ripped to pieces by insurance rates. Now I have been hearing talk about the fact that if this bill passes everybody will have their product liability insurance reduced. I am going to make a prediction.

The only persons who will be hurt by this bill will be the little people, whether they are called consumers or working people. The people who get hurt go into court to sue and God knows, some of them get hurt real bad.

I have made suggestions to the big power people; I made suggestions to business, to industry and to labor to get together and get something that is palatable, but I have not seen any cooperative effort to produce a palatable answer to this problem of product liability. I have seen mistakes. There are mistakes in this bill. I am going to vote "no."

Senator SNYDER. Mr. President, there were two very significant things, it seemed to me, in the correspondence which flowed across our desks on this issue in the past six, eight, ten months. One of them was that the letters, for the first time in my memory, were specific about what the products liability trend was doing to their insurance costs and worse still, their prospective cost if they could not get insurance.

The other remarkable thing was that the letters came, almost all, from small or middle-sized businesses. There were no letters, that I had at least, from the Fortune 500, or any of the big corporations we normally associate with our cities in Pennsylvania. That means to me that the big corporations, the big businesses, are not greatly concerned about this bill. They can absorb a block-buster lawsuit or a tremendous demand for insurance, if they insure. If they self-insure, they can run the risk and not be put out of business. But the smaller businesses, many family businesses, many small corporations with relatively few shareholders, are genuinely alarmed. Their letters reflected a specific amount of cost to them by reason of the insurance companies, and in some cases, they said no insurance company that they approached was willing to insure them at all.

Mr. President, I hold no particular grief for the insurance people but I am willing to believe that they prefer to have customers and make money too and not price themselves out of the market. With this bill I think we are answering a very genuine need, a need arising from the increasing litigation that all people are prone to, the increased, sometimes, gullibility of the courts and the juries, even. I think, on the whole, we must reckon with those factors and do something to answer.

I, for a long time, admired Ralph Nadar and, until he got to carrying things too far, he was doing a genuine public service.

In stressing the consumers, I would say the consumers have a genuine interest in this bill because if they all saw the true picture, ninety-nine per cent of them would realize that the products they are buying will go higher and higher in the absence of

anything like this. Only a step such as we are taking promises to continue to give them products at a good cost.

Remember this: The American consumer has not been so badly off up to now. He can buy more things at more different places than the consumer can in any other country on the face of the earth. Our main concern is that he continue to have things at prices he can afford.

There is just one other element in this that I think bears mention at this late hour and that is, the Pennsylvania economy is not in such splendid shape that we can afford to ignore the just requests of the business community. The business community has suffered—let us face it—from some of our tax policies, from our UC and WC policies, and from the super regulation that has come with this very trendy age.

I just reviewed recently, as many of you must have, the summary of Pennsylvania's economy which the Pennsylvania Bankers' Association published and it is not particularly encouraging.

We also received another report recently looking at the economy from a broader scope and that too stressed the sluggishness and the failure of the Pennsylvania economy to expand.

If, through our failure to do something along this time, we put a number of small businesses out of business—because that, as they see it, they may face—not only would the consumer suffer, but also will the Pennsylvania economy. Small businesses are vitally important to the economy. They have been the well-spring of a lot of great inventions and considerable progress. In the aggregate, they are big business and a very important part of our economy. When these little ones go out of business it, too, has a ripple effect. True, somebody gets the business instead but they produce it at a greater cost.

Mr. President, I, therefore, believe we have made an advance and we should vote this bill through. I ask my colleagues to vote "yes."

Senator O'PAKE. Mr. President, in less than two minutes I would like to put on the record my reasons for voting "no" on this bill.

There seems to be very little question that a severe problem does exist in the product liability field and that legislation can speak to some of the ills. As a matter of fact, nearly everybody in the country who has been working on the subject agrees.

However, there is an alarming lack of information as to why insurance premiums have increased so drastically and, as a result, there is sharp and legitimate disagreement as to the proper solutions. The point that concerns me most about this bill is that, to my knowledge, no insurance company representative is willing to predict that Senate Bill No. 585 will reduce premiums by a single dollar or even prevent premium increases.

Voting for this bill, as amended, is deceiving the public and the business community at the expense of the working man and woman of Pennsylvania.

What are we doing in this bill? By the way, we would be the first large industrial state in this Nation to adopt this approach to the products liability problem. Only seven other states, to my knowledge, have enacted such laws and none of these is a large industrial state. We are overlooking the fact that the changes contained in Senate Bill No. 585 place limitations on

the rights of our working men and women in Pennsylvania to recover against outside manufacturers and sellers who distribute in Pennsylvania and cause injury or damage here.

I believe the Members will agree, Mr. President, that we do not want to create a situation where we limit our people's rights against outside companies, while the outsiders can recover from our Pennsylvania companies, especially if the change does not affect insurance premiums for Pennsylvania businesses.

Mr. President, in conclusion, just as in the no-fault panic of recent years, we are being asked to buy a product which will not save money, which will deprive some injured people of their right to just compensation. I am afraid it will cause us to rethink our judgment later just as many of us are rethinking our judgment in the no-fault vote of several years ago.

Mr. President, I urge a "no" vote on this bill.

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—27

Andrews,	Gurzenda,	Kusse,	Ross,
Coppersmith,	Hager,	Lewis,	Snyder,
Corman,	Hess,	Manbeck,	Stapleton,
Dougherty,	Holl,	Mellow,	Stauffer,
Dwyer,	Hopper,	Moore,	Stout,
Early,	Howard,	Murray,	Tilghman,
Gekas,	Kelley,	Reibman,	

NAYS—19

Arlene,	Jubelirer,	Noszka,	Schaefer,
Bell,	Lynch,	O'Pake,	Smith,
Duffield,	McKinney,	Orlando,	Sweeney,
Fumo,	Messinger,	Romanelli,	Zemprelli,
Hankins,	Nolan,	Scanlon,	

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.

REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator MESSINGER.

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 1540 and HB 276.

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

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 28, 1978, at 11:00 a.m., Eastern Daylight Saving Time, with the information to the Members that tomorrow's Session will be only for the purpose of receiving bills from the House and signing bills.

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

Senator HAGER. 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 HAGER. Mr. President, is it the Majority Leader's intention that, after tomorrow's Session, we will not be back until next September?

Senator MESSINGER. Mr. President, that is absolutely correct unless we are called back by the President pro tempore of the Senate.

Senator HAGER. Mr. President, if that is the case, from all of us to all of you, have a very fine summer.

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

Senator EARLY. Mr. President, I rise to inform the Members that the gentleman from Allegheny, Senator Schaefer, and myself have just sent out for pizza. When the Members are through, if they will drop down to my office in about five minutes, there will be pizza here for them.

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

The PRESIDENT. This Senate stands in adjournment until tomorrow, Wednesday, June 28, 1978, at 11:00 a.m., Eastern Daylight Saving Time, with the understanding that the sole purpose of the Session is for the purpose of handling bills and signing documents at the desk.

The Senate adjourned at 9:55 p.m., Eastern Daylight Saving Time.