

Legislative Journal

TUESDAY, SEPTEMBER 26, 1978

Session of 1978

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SENATE

TUESDAY, September 26, 1978.

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

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

PRAYER

The Chaplain, Reverend Father EDWARD J. QUINLAN, III, Pastor of Good Shepherd Catholic Church, Camp Hill, offered the following prayer:

O God, the source of all wisdom, we humbly ask You to guide and direct our Senators in their deliberations today. As they seek to promote the welfare of the people of the Commonwealth of Pennsylvania, give to them prudence, that they may wisely discern the good; justice, that each man may have his due; fortitude, that they may persevere in the truth; and temperance, that they may always act with a divinely inspired moderation. Hear us, O Lord, and answer our prayers. Amen.

The PRESIDENT. The Chair thanks Father Quinlan who is the guest this week of Senator Hopper.

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.

GUEST OF SENATOR WILLIAM E. DUFFIELD PRESENTED TO SENATE

Senator DUFFIELD. Mr. President, I have a guest in the gallery today who is a famous man. His name is Gerardo Gonzales but as Kid Gavilan—he is a bolo puncher—in 1951, in Madison Square Garden, he won the Welterweight Championship of the World. He held that title for three or four years. This man has had 144 professional fights and sixty-six amateur fights throughout his career. He was well known throughout the world but some of the younger people do not remember him because these were days before they were born. But, to people of our age, I wish to present Kid Gavilan and ask the Senate to give its usual warm welcome to him.

The PRESIDENT. Thank you, Senator. Stick around, Champ,

we might need you on the Senate floor before this Session is over today.

(Applause.)

SENATOR MESSINGER TO VOTE FOR SENATOR REIBMAN

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

The PRESIDENT. Without objection, during a portion of today's Session, while Senator Reibman attends to legislative duties, Senator Messinger will be voting her.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2738**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 2607, 2608 and 2609**, which were referred to the Committee on Local Government.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 1105 and 1199**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 683**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Joint Session.

BILLS SIGNED

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

SB 683, 906, HB 276 and 813.

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. In accordance with the resolution which has now been concurred in by the House, the President pro tempore of the Senate has announced that he has named the following Senators as a Committee to escort His Excellency, the Governor, to the Hall of the House of Representatives: the gentleman from Cambria, Senator W. Louis Coppersmith, Chairman; the gentleman from Philadelphia, Senator Thomas J. McCormack; and the gentleman from Philadelphia, Senator Charles F. Dougherty.

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. At some time during today's Session the Committee on Business and Commerce will meet to consider Senate Bill No. 1616 and House Bill No. 2654.

The Committee on Environmental Resources will also meet some time today to consider House Bill No. 2469.

RESOLUTION REPORTED FROM COMMITTEE

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, Serial No. 122, entitled:

Directing Public Utility Commission to submit its findings on incremental gas pricing to the Senate of Pennsylvania.

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

REPORTS FROM COMMITTEES

Senator MESSINGER, from the Committee on Rules and Executive Nominations, reported, as committed, **HB 2404**.

Senator LEWIS, from the Committee on Local Government, rereported, as amended, **SB 467**; reported, as committed, **HB 1780, 2291 and 2439**; as amended, **HB 1589, 1936 and 2124**.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

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

BILLS INTRODUCED AND REFERRED

Senators HAGER, STAUFFER, DWYER, CORMAN, JUBELIRER, HOPPER, GEKAS, KUSSE and MANBECK presented to the Chair **SB 1647**, entitled:

An Act imposing maximum permissible levels of expenditure by the Commonwealth and local units of government; providing for emergency expenditures.

Which was committed to the Committee on Finance.

Senators GEKAS, SWEENEY, DWYER, MANBECK and HOPPER presented to the Chair **SB 1648**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled, "The County Code," prohibiting persons from interfering with certain duties of the county veterans affairs director and imposing a penalty.

Which was committed to the Committee on Military Affairs and Aeronautics.

Senator KURY presented to the Chair **SB 1649**, entitled:

An Act prohibiting certain persons from disavowing certain consumer transactions.

Which was committed to the Committee on Consumer Affairs.

Senator TILGHMAN presented to the Chair **SB 1650**, entitled:

An Act amending the act of July 22, 1970 (P. L. 513, No. 178), entitled "Pennsylvania Cigarette Tax Act," removing an exemption from taxation.

Which was committed to the Committee on Finance.

Senators SCANLON, ROMANELLI, ZEMPRELLI and COPPERSMITH presented to the Chair **SB 1651**, entitled:

An Act amending the act of April 18, 1978 (No. 24), entitled "A supplement to the act of December 22, 1977 (P. L. 346, No. 102), entitled 'An act providing for the capital budget for the fiscal year 1977-78,' itemizing public improvement projects, to be constructed by the Department of General Services, together with their estimated financial cost; . . .," adding a project for the University of Pittsburgh.

Which was committed to the Committee on Appropriations.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 3:30 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:30 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

CALENDAR

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 920 (Pr. No. 3661) — Senator MESSINGER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 920, entitled:

Amending the act of May 20, 1937 (P. L. 728, No. 193), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; provid-

ing for the payment of awards; and authorizing an appropriation," changing the title of the board and its members and making it an independent administrative agency; transferring certain additional jurisdiction to the board; making certain repeals; increasing the terms of board members; further providing for the compensation of board members; providing for hearing panels and for additional expenses; changing procedures for transcripts; and providing for the disposition of written complaints.

On the question,

Will the Senate agree to the motion?

(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—40

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

NAYS—9

Bell,	Hopper,	Moore,	Sweeney,
Corman,	Jubelirer,	Stapleton,	Tilghman,
Early,			

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 1841 (Pr. No. 3554) — Senator MESSINGER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1841, entitled:

Amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further providing for nonresident license and license fees, and increasing certain penalties.

On the question,

Will the Senate agree to the motion?

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

Senator MANBECK. 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—40

Andrews,	Hager,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,

Coppersmith,	Holl,	Messinger,	Schaefer,
Corman,	Hopper,	Moore,	Smith,
Dougherty,	Howard,	Murray,	Snyder,
Duffield,	Jubelirer,	Noszka,	Stapleton,
Dwyer,	Kelley,	O'Pake,	Stauffer,
Early,	Kury,	Orlando,	Stout,
Gekas,	Kusse,	Reibman,	Wood,
Gurzenda,	Lewis,	Romanelli,	Zemprelli,

NAYS—9

Arlene,	Lynch,	Mellow,	Sweeney,
Fumo,	McCormack,	Nolan,	Tilghman,
Hankins,			

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 2222 CALLED UP OUT OF ORDER

HB 2222 (Pr. No. 3865) — Senator MESSINGER. Mr. President, I call up out of order House Bill No. 2222, Printer's No. 3865 on page 11 of the Third Consideration Calendar.

Senator KELLEY. Mr. President, I object to the calling up out of order House Bill No. 2222 made by the Majority Leader. I wish to exercise my right to object to the same and have the same be made in the form of a motion and ask for a roll call vote.

MOTION TO CONSIDER HB 2222

Senator MESSINGER. Mr. President, I move that we consider House Bill No. 2222 on page 11.

The PRESIDENT. It has been moved by Senator Messinger that we proceed to consider House Bill No. 2222, Printer's No. 3865 at this time.

The question before the Senate is,

Will the Senate agree to the motion to consider, out of order, House Bill No. 2222?

The Chair points out to the Members the only question you are now voting on is whether you consider this bill out of order. This vote will have nothing to do with the merits or demerits of the legislation involved.

Senator KELLEY. Mr. President, I just wish to advise the Chair that I request a roll call vote in this matter.

The PRESIDENT. All those voting "aye," vote in favor of Senator Messinger's motion that this bill be considered out of order, those voting "no," vote against the motion.

PARLIAMENTARY INQUIRY

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

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

Senator HAGER. Mr. President, is the reprint of this bill in the Chamber with the present printer's number?

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

(The Senate was at ease.)

The PRESIDENT. The bill is here Senator. It is being delivered.

Senator HAGER. Secondly, Mr. President, I would ask that we vote against this motion for the following reason: This is the only bill on the Calendar which, if passed by the Senate, will go directly to the Governor and give us the law. If House Bill No. 2222 passes out of order the argument will be made that we have passed an ethics bill and do not have to deal with House Bill No. 198. House Bill No. 198 should be voted first. Then, if we want to strengthen the bill we should go to work on House Bill No. 2222.

The PRESIDENT. Will the gentleman yield?

PARLIAMENTARY INQUIRY

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

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

Senator MELLOW. Mr. President, is the motion debatable as to the merit?

The PRESIDENT. It is not, Senator, and I think Senator Hager knows that he is dangerously close to being out of order.

The only issue here is whether or not we consider this bill at this time out of order.

Senator HAGER. Mr. President, am I out of order suggesting that we had better pass House Bill No. 198 first and not take this bill out of order so that we do have something which would go to the Governor?

The PRESIDENT. I think you have said that, Senator.

All those voting "aye," vote in favor of Senator Messinger's motion to consider the bill out of order, those voting "no," vote against the motion.

And the question recurring,

Will the Senate agree to the motion?

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator MELLOW. May we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator MESSINGER. Mr. President, I wish to be recorded in the affirmative.

The PRESIDENT. The gentleman will be so recorded.

Senator SWEENEY. Mr. President, with the understanding that House Bill No. 198 will be run during the Session today, I change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator O'PAKE. Mr. President, on the basis of a commitment just made, I will reconsider my vote and vote "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator LEWIS. Mr. President, with the express understanding that House Bill No. 198 will be run immediately after consideration of House Bill No. 2222, I change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—26

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

NAYS—23

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2222 (Pr. No. 3865) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 103, page 9, line 13, by striking out "OR" and inserting a period

Amend Sec. 103, page 9, lines 14 through 23, by striking out all of said lines

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, my amendments will strike out lines 14 through 23 which give the right to attorneys in this Senate and in the House of Representatives to represent clientele at a fee before various agencies in this Commonwealth. I feel when we are putting through an ethics bill, we should not permit any Senators to represent any clients, whether they be attorneys or not, before any of the State boards.

I feel the pressure brought by a Senator before any board has a lot to do with whether or not those boards are going to approve what is being requested. For instance, at the present time, on page 9, lines 14 through 23, it permits lawyer-legislators to represent clients who are applying for liquor license, taxicab licenses, real estate broker-salesmen's licenses, physical therapist licenses, chiropractor's licenses, milk dealer licenses, beauty shop licenses, barbershop licenses, pawnbroker licenses, sewage treatment plant operator licenses, mobile home salesmen's licenses, auctioneer licenses, poultry technician licenses and many others. These Legislators can represent these clients for money.

I feel if everyone wants to be honest there is no attorney who is serving in the Legislature at the present time who can get a

long on the \$18,720 salary he is receiving as a Legislator. I think it is a known fact that where attorneys benefit is from the client fees they receive as attorneys before the various State agencies representing clients who may not even be in their District.

My amendments will remove this loophole in House Bill No. 2222. It is also recommended that amendments of this type be inserted in House Bill No. 198.

CORRECTION TO CALENDAR

The PRESIDENT. Before recognizing anyone further, the Chair would like to point out that if you examine the bill which is before you, you will observe that the Printer's No. is 3865. If you check the Calendar, you will discover that the Printer's No. is 3856. It was an error in preparing the Calendar. Printer's No. 3865 which you have before you is the correct and most current printer's number. The error is only in the preparation of the Calendar.

Senator MELLOW. Mr. President, as the Senator who was put in charge of the subcommittees several months ago by the gentleman from Philadelphia, Senator McKinney, to try to take into consideration all the pieces of legislation which had been introduced in both Bodies dealing with ethics, I find that I cannot wholeheartedly support my good friend from Allegheny, Senator Nolan, in the amendments he has just proposed.

As a man who is not a member of the Pennsylvania Bar Association I have absolutely nothing to gain or lose by the enactment of these amendments, but I believe it is only fair to point out that this is not a loophole in the statute as it has been written. We are not looking for a complete prohibition of Members of the Legislature who are also attorneys to practice or represent clients before a commission or regulatory agency of the Commonwealth.

Page 9, line 14 of the bill does state: "Representing clients in proceedings or cases involving only the uncontested and routine action of administrative officers or employees of the Commonwealth in issuing or renewing a license, charter, certificate or similar document or involving industrial assistance through nonprofit industrial authorities . . ." This language tells us that an attorney may represent a client before a board, commission or regulatory agency as long as the proceeding is not one which is contested and, if the proceeding or the license application would be contested, that particular attorney who is a Member of the Legislature could no longer represent the client before the commission or the regulatory agency. The only other time that particular attorney could be involved in that proceeding would be when it was brought before a judicial body.

Mr. President, in deference to my good friend from Allegheny, I would ask that these amendments not be accepted.

PERSONAL PRIVILEGE

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

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

Senator MANBECK. Mr. President, I am asking the Chair for a ruling to know whether I am qualified to vote on this legisla-

tion. In recent weeks several of the important and large newspapers in the Commonwealth of Pennsylvania have dug into my past history where I debated a bill relating to detergents used in the cleaning of food processing plants and other processing plants and said that I had voted with a conflict of interest. They said I was a poultry farm operator. It seems to me if I then had a conflict of interest seven years ago, I am asking the Chair if I have the right to vote on this legislation?

The PRESIDENT. The legislation is not yet at issue. The amendments are at issue, Senator. It would be my opinion and the ruling of the Chair that you not only have the right to vote on the amendments, you have a duty to vote on them. I see nothing in your business or profession that would put you in conflict in voting on this legislation.

PERSONAL PRIVILEGE

Senator DUFFIELD. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President in line with what was brought up by the gentleman from Lebanon, Senator Manbeck, there are several lawyers here in this Senate who stand to gain or lose financially and personally on this matter. Of course, I got kicked out; it does not bother me one way or the other. If I want to go before the Liquor Control Board or any other State agency after this Session, I will have that right.

However, since the gentleman from Allegheny, Senator Nolan, stated that the lawyers make such a large living and supplement their salaries before these administrative agencies, I look across here at some very able lawyers who can stand to lose or gain by their vote on these amendments. These amendments refer to a class of individuals. I do not like to be hard on my fellow lawyers; I am just trying to protect them here so that they will have reason to either vote or not vote by a ruling by the Chair.

These amendments definitely have a bearing on the future financial interests of the lawyers in the Body and in the House of Representatives. Of course, we are not worried about the House. We are worried about those in this Body who plan to be in the Legislature from now on.

The PRESIDENT. Senator, you would have to be the only lawyer in Pennsylvania who practiced before the commissions to be excused from voting. If you are a lawyer sitting in the Senate today you are one of a class; you were elected. I am not only freeing you to vote, but it would be the ruling of the Chair that you have a duty to vote on this because you just do not excuse anyone from voting unless you have a very serious conflict and I see none. That is the ruling of this Chair in this matter.

Senator NOLAN. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT. Will the gentleman from Lackawanna, Senator Mellow, permit himself to be interrogated?

Senator MELLOW. I will, Mr. President.

Senator NOLAN. Mr. President, House Bill No. 2222 in its present form has been amended with part of the ethics code which we, as a committee, recommended, am I correct?

Senator MELLOW. That is correct, Mr. President.

Senator NOLAN. Mr. President, I would refer the gentleman to page 11 under acts which are prohibited. On line 22 it states:

“No Legislator shall:

“(1) Represent for compensation other than compensation received from the Commonwealth any party before a State board or regulatory agency or in any transaction involving the State.”

If, Mr. President, we are barring it there, is it not only proper that we bar it on page 9, lines 14 through 23? I spell it out specifically in my amendments.

Senator MELLOW. Mr. President, my interpretation of the definition of “. . . any transaction involving the State . . .” is that it spells out just exactly what a Member of the General Assembly, who is also a member of the Bar, may or may not do.

Senator NOLAN. Mr. President, I still say that lines 14 through 23 are in conflict with the language in Section 301 on page 11. I feel this bill needs dressed up and the way to dress it up is to knock out lines 14 through 23.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—14

Arlene,	Holl,	Nolan,	Stapleton,
Dwyer,	Hopper,	O’Pake,	Stauffer,
Hager,	Kusse,	Ross,	Sweeney,
Hess,	McCormack,		

NAYS—35

Andrews,	Gurzenda,	McKinney,	Scanlon,
Bell,	Hankins,	Mellow,	Schaefer,
Coppersmith,	Howard,	Messinger,	Smith,
Corman,	Jubelirer,	Moore,	Snyder,
Dougherty,	Kelley,	Murray,	Stout,
Duffield,	Kury,	Noszka,	Tilghman,
Early,	Lewis,	Orlando,	Wood,
Fumo,	Lynch,	Reibman,	Zemprelli,
Gekas,	Manbeck,	Romanelli,	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Table of Contents, page 2, line 24, by striking out “NONSEVERABILITY” and inserting: severability

Amend Table of Contents, page 2, line 25, by striking out “NONSEVERABILITY” and inserting: severability

Amend Chapter 6, page 26, line 30, by striking out “NONSEVERABILITY” and inserting: SEVERABILITY

Amend Sec. 6, page 27, line 1, by striking out “NONSEVERABILITY” and inserting: severability

Amend Sec. 6, page 27, line 3, by inserting after

“the”: decision of the court shall not affect or impair any of the

Amend Sec. 6, page 27, line 4, by inserting a period after “act”

Amend Sec. 6, page 27, line 4, by striking out “SHALL BE VOID.”

Amend Sec. 6, page 27, line 5, by striking out “NOT”

Amend Sec. 6, page 27, line 7, by inserting after “thereof”: not

On the question,

Will the Senate agree to the amendments?

Senator COPPERSMITH. Mr. President, Section 601 of House Bill No. 2222 presently reads as follows: The heading is “Nonseverability Clause.”

“If any word, phrase, clause, sentence, section or provision of this act is for any reason held to be unconstitutional, the remaining provisions of this act shall be void. It is hereby declared as the legislative intent that this act would not have been adopted had such unconstitutional word, phrase, clause, sentence, section or provision thereof been included herein.”

This clause, in other words, says if there is one word that the court declares unconstitutional, the whole bill falls.

My amendments change the nonseverability clause to a severability clause so that if one part is held to be unconstitutional the remaining part of the act will stand.

Senator McCORMACK. Mr. President, this is really a lawyer’s bill and a lawyer’s amendments. I believe every lawyer in the Senate knows that in the Statutory Construction Act we have a provision which provides, in the event a section or clause of a bill is held by the court to be improper, then the rest of the legislation, to the extent that it still makes sense, is valid. There is absolutely no need for these amendments.

Mr. President, I suggest to this Body that, if we were to adopt these amendments, we will be frustrating the will of the people who want a strong ethics bill. I believe we should vote on it today. There is no need for these amendments whatsoever.

Mr. President, I ask that we vote them down so that we can get about passing good ethics legislation.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Coppersmith.

The PRESIDENT. Will the gentleman from Cambria, Senator Coppersmith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us if members of the judiciary are included in House Bill No. 2222?

Senator COPPERSMITH. Mr. President, I have really gotten into this on the severability question. This is a bill on which the gentleman has been working for quite some time. I would prefer really to have him answer these questions rather than I because I am not really competent to give a detailed explanation of this bill.

Senator MELLOW. Mr. President, my question is merely this and I believe the question might be answered in the title: Are the members of the judiciary covered in this piece of legislation?

The PRESIDENT. The answer, Senator Mellow, was that Senator Coppersmith is prepared to accept your appraisal of that.

Senator MELLOW. Mr. President, could the gentleman tell us if the members of the judiciary are included in this piece of legislation with the amendments he has just proposed? If the judges would exclude themselves from this piece of legislation what would then happen to the bill?

Senator COPPERSMITH. If the amendments were adopted, Mr. President, the remaining part of the bill would still stand.

Senator MELLOW. I thank the gentleman, Mr. President. I would like to point out that the bill, as it was originally introduced, did include a severability clause. It was the feeling of the members of the committee at the committee meeting held last week that the nonseverability clause should be added for the sole purpose that the bill should encompass the Executive, the Legislative and the Judicial branches of government and that no particular branch of government should be excluded. It was the feeling that the only way no particular branch of government would be excluded would be by adding Section 601 to this particular piece of legislation.

Mr. President, I would like to submit for the rank and file Members the fact that these amendments, I do not believe, were given to us in caucus. The first time it was mentioned to us that we would be receiving the amendments dealing with severability was when the amendments were introduced on the floor by the gentleman from Cambria, Senator Copper-smith. In fact, I believe the amendments were originally drafted for another bill, Senate Bill No. 1592. I just cannot understand the urgency for amendments such as these, known only full well by the Members who are here present, that if these particular amendments are adopted, we cannot pass House Bill No. 2222 today. It is a good, solid piece of legislation dealing with the establishment of a code of ethics for all elected officials and appointed officials in the Commonwealth, including members of the Legislative, Executive and the Judicial branches of government. To adopt amendments such as these presented right now is to defeat House Bill No. 2222.

Senator HAGER. Mr. President, I would agree almost entirely with everything the gentleman from Lackawanna, Senator Mellow, has said except I would like to add one thing.

If we pass this bill in its present form it carries with it a time bomb guaranteed to make it destruct in the Supreme Court of Pennsylvania and that is the purpose of these amendments. The Supreme Court of Pennsylvania, by Constitution, is the arbiter of judicial ethics. There is no way in the world that this Senate or this General Assembly can pass an ethics bill which applies to the Judiciary. That is the reason for these amendments because, when the Supreme Court says this bill does not apply to them, then the nonseverability clause will say that the whole bill falls. That is exactly why the gentleman from Cambria, Senator Copper-smith, offers these. If we are truthfully attempting to pass a real ethics bill, which will apply to the Legislature, then we had better accept the severability clause and get rid of the nonseverability, which is a time bomb meant to go off to end ethics legislation.

Senator FUMO. Mr. President, I yield to the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I believe the gentleman from Lycoming, Senator Hager, made remarks directed, as re-

buttal, to some things I said. I would like to just have an opportunity to rebut before the gentleman from Philadelphia, Senator Fumo, gets involved in the comments he would like to make.

First of all, I think if the gentleman from Lycoming, Senator Hager, felt that these particular amendments should have been included or should not have been deleted from House Bill No. 1592 when it was being discussed last week that, very possibly, the Minority Chairman of the Committee on State Government should have made those feelings known.

Mr. President, I would also think if the State Supreme Court, in any deliberations they may have in the future, should possibly write to the Minority Leader of the Senate and ask if he could interpret for them in advance what should take place in dealing with the proceedings of the State Supreme Court.

Mr. President, the truth of the matter is this when you want to get right down to what is honest and what is not honest. We have a number of individuals in this Chamber who are totally opposed to House Bill No. 2222 because of one basic prohibition and that deals with the likes and dislikes and duties and what they can and cannot do with Members of the Legislature who are also attorneys. That is what it comes down to, that is the bottom line.

What we should do, Mr. President, is reject any amendments to House Bill No. 2222 and pass it in its original form.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Copper-smith.

The PRESIDENT. Will the gentleman from Cambria, Senator Copper-smith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator FUMO. Mr. President, were the amendments which the gentleman is offering prepared by the Legislative Reference Bureau?

Senator COPPERSMITH. Mr. President, the amendments are stamped as amendments to Senate Bill No. 1592 and, to conform it to the printer's number of House Bill No. 2222, pencil notations were made.

Senator FUMO. Mr. President, were the pencil notations made by the Legislative Reference Bureau? They are not type-written, are they?

Senator COPPERSMITH. That is correct, Mr. President.

The PRESIDENT. Senator, please do not quote the Rule. We have accepted these amendments; they are now before us, we did it last night. For some of the people who now seem prepared to object on a technicality, I will be glad to declare an hour recess and go up to the Legislative Reference Bureau and have them redrawn.

Senator COPPERSMITH. Mr. President, you should not be too hard on the gentleman from Philadelphia, Senator Fumo. He is new and does not understand our procedures sometimes.

Senator FUMO. I am learning fast, Mr. President; believe me, I am learning fast.

If I may I would just speak on these amendments, Mr. President. In the process of learning, I am learning how to kill legislation and I believe this is a perfect example of it. I am very upset with the Minority Members of this Chamber who were present at the meeting of the Committee on State Government

when this nonseverability clause was passed unanimously. They were there. The gentleman from Blair, Senator Jubelirer, was there with me, and a number of other Senators were there. The Minority Leader was even there for a while.

To come forth today, at this last minute, in an attempt to amend this bill that we all know would then cause it to go over, after the scurry we had before to try and get this bill brought before this Chamber out of order, I believe is unbelievable.

As has been explained, a severability clause is not necessary in here. We can sit here and argue forever about the Judiciary, whether it applies and whether it does not, but I would hope that my colleagues would recognize what is going on here. This is an attempt to kill House Bill No. 2222 and it is an attempt to kill that bill because, as the gentleman from Lackawanna, Senator Mellow, has said, there are many attorney Legislators here who do not want to be prohibited from practicing before State agencies. Yet, at the same time, because of the election coming up, they want to espouse good government philosophy and try to hide behind it by saying, "Well, we amended this thing and the bill had to go over in its order."

The comments earlier which were made about another piece of legislation on the Calendar clearly bear that out. Those of us who have read the other piece of legislation know that it does not address itself to attorneys representing people before State agencies and the big cry of the electorate is that that is what they do not want.

The only thing that I say to my colleagues today, let us not be hypocritical, let us vote for it or let us not vote for it, but let us not play games by trying to amend this bill to kill it.

Senator COPPERSMITH. Mr. President, I do not intend to impugn the motives of any who may disagree with me, but I think the amendments I am offering are very important, substantively, to this bill.

If the gentleman had listened to the gentleman from Philadelphia, Senator McCormack, he said that the Statutory Interpretation Act made the bill severable.

I would like to point out that the gentleman from Lackawanna, Senator Mellow, gave a completely different explanation where he insisted on the nonseverability clause. I agree that the gentleman is right. The bill has a nonseverability clause and a nonseverability clause takes precedence over the Statutory Interpretation Act. I believe the gentleman from Philadelphia, Senator McCormack, will agree with me.

We are down to the point where you have a nonseverability clause in the bill that if one word is declared unconstitutional, the whole bill falls.

They are concerned that the judges will not be covered. Let me read to you Article V, Section 17, of the Constitution. "Justices and judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of the United States or the Commonwealth.

"(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judi-

cial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

"(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument of prerequisite other than the salary and expenses provided by law."

All my amendments do, and I should point it out, is provide that if one part of the bill is declared unconstitutional—as the gentleman from Lackawanna, Senator Mellow, indicates, there is some danger that it may happen—the rest of the bill stands. I do not want to be a party to passing a sham that can be thrown out the window when an adverse court determination is made. I certainly believe these are very valid amendments. If we want to have a meaningful ethics bill they are essential, in my opinion.

Senator BELL. Mr. President, I heard my Republican Leader say it is a built-in time bomb because the courts have the sole determination as to the violation of ethics. Then I heard my colleague from Cambria, Senator Coppersmith, talk about canons of ethics.

This is called an ethics bill but I would like to state something. If we violate this bill, we will not have our wrists slapped by the Supreme Court. If you are a judge, you go to jail because this bill has criminal penalties. This is not a canon of ethics bill. This says you do the way the law says and if you violate it, under Section 504, you are subject to fine and imprisonment. I do not feel that is a canon of ethics.

Senator HESS. Mr. President, I do not pretend to judge who is trying to kill this bill, but I am a little confused. I heard both the gentleman from Lackawanna, Senator Mellow, and the gentleman from Philadelphia, Senator Fumo, say that if these amendments are inserted, it would be an attempt to kill this measure because we all know no action would be taken.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from York, Senator Hess, will state it.

Senator HESS. Mr. President, has any action been taken by this General Assembly by vote that would prohibit us from being here Thursday, Friday or any time next week and the week following that or the week following that or any other week?

The PRESIDENT. No, Senator.

Senator HESS. Thank you, Mr. President.

Senator LEWIS. Mr. President, I am going to support the amendments because I believe the explanation given by the gentleman from Cambria, Senator Coppersmith, is absolutely accurate.

I am also going to support this bill, hopefully in that amended form. I make that statement because I personally have felt repulsed by the insinuations during the debate that anyone who would support these amendments is designing to kill the bill.

As I read the constitutional sections quoted by the gentleman from Cambria, Senator Coppersmith, it seems to me that he

failed to quote the final subsection of Section 17(d) of the Constitution which seems to me to be the most important one in this deliberation. That is the Section which states:

"No duties shall be imposed by law upon the Supreme Court or any of the justices . . ." and then goes on to make further similar recitals with regard to any other members of the court. I would personally hope that the provisions of this bill would be applicable to the members of the court. But whether the clause of severability is in or not in, they will make their determination.

It seems to me the only way we protect the applicability of the provisions of this bill to all others to which we are seeking to make it applicable is to guarantee that, regardless of that decision by the court, the balance of the bill will not fall.

If, for whatever reason, the court sees fit to strike the application to itself, I see no reason why this General Assembly could not then move to amend the Constitution if that is what we had to do. But the only guarantee we have, regardless of the decision of the members of the Supreme Court, that this bill will apply to every Member of this Body and every other one of the enumerated groups set out in the definitions is to have a severability clause. That seems to me to be of critical importance.

This is the reason I will support the amendments of the gentleman from Cambria, Senator Coppersmith, and why I will continue to support the bill.

Senator KELLEY. Mr. President, some of the opposing statements made during the debate on the amendments of the gentleman from Cambria, Senator Coppersmith, have made reference to this bill and its strengths or weaknesses in comparison to other bills. Indeed, this is the first occasion that this Body has had an opportunity to consider this bill in this form.

Less than twenty-four hours ago, the gentleman from Lackawanna, Senator Mellow, made a substitute amendment to House Bill No. 2222 of Senate Bill No. 1592. Mr. President, it has been said that if we amend this bill we are trying to kill the bill.

With slight indulgence from the Chair, may I say that there are any number of areas which should be deliberated by this Body and there are a lot of weaknesses in this bill. I, for one, have studied both bills and am prepared to say publicly that this is not the strong bill that some of the proponents of the bill and opponents to the amendments have said it is. There are many, many provisions and I believe I would be challenging the discretion of the Chair if I started to enumerate them.

The PRESIDENT. We are supposed to be debating the amendments, Senator, but I have been very free in allowing everyone else to speak. If everyone kind of agrees not to do it again, will we pass the bill?

Senator KELLEY. Mr. President, what has been discussed concerning the Judicial Branch raises a question of constitutionality. I am referring to matters which are in House Bill No. 2222. There is an ambiguity in the definitions of municipalities and State agencies.

POINT OF ORDER

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

order.

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

Senator McCORMACK. Mr. President, the gentleman is addressing himself to the merits or demerits of the bill rather than the amendments which pertain solely and exclusively to the severability provision.

The PRESIDENT. Senator, my inclination is to agree that he is dangerously close to that ground and I think Senator Kelley is an expert on parliamentary procedure and would tend to agree with both of us; would you not, Senator Kelley?

Senator KELLEY. Yes, Mr. President, I would agree. I believe the gentleman makes a point which is well in order, but I was only trying to make a corollary of all these other areas that would be proper for amendment in order to conform it to a good, strong bill. It has been stated that it is a strong bill and I believe it is not.

Mr. President, I support the amendments.

Senator McKINNEY. Mr. President, I desire to interrogate the gentleman from Lycoming, Senator Hager.

The PRESIDENT. Will the gentleman from Lycoming, Senator Hager, permit himself to be interrogated?

Senator HAGER. I will, Mr. President.

Senator McKINNEY. Mr. President, would the gentleman tell me if, indeed, these amendments are inserted, he will agree that House Bill No. 198 will go over in its order until tomorrow in order that both bills can be run at the same time?

Senator HAGER. Absolutely not, Mr. President. My intention is to vote for House Bill No. 198 and House Bill No. 2222, but I feel that House Bill No. 2222 is fatally defective unless we get rid of this nonseverability clause.

Senator McKINNEY. Mr. President, does the gentleman also agree that if we amend this bill, that House Bill No. 2222 is dead?

Senator HAGER. Absolutely not, Mr. President. I believe that House Bill No. 2222 is going to require House action anyway. That is the beauty of House Bill No. 198; it does not require any House action. When we pass it, it goes directly to the Governor. We will then have an ethics bill even though it is not as strong as House Bill No. 2222 can be. My hope is that we would pass House Bill No. 2222 in a form which would survive constitutional attack which this present one cannot. I would support that bill and would hope that the House would pass it.

Senator McKINNEY. Mr. President, I would also ask the gentleman: Is he aware that three Members from that side of the aisle worked four and one-half hours, along with the rest of us, when we were considering this bill? At that time they voted unanimously to accept this clause which they are so vehemently against today.

Senator HAGER. Mr. President, I cannot speak for any of them. I must say that this was called to my attention much later than that committee meeting. I was not there for the discussions of the severability or nonseverability clause. It was called to my attention, I believe, yesterday or last night. It seems to me if this discussion were to take place in the presence of those gentlemen, they would have voted differently.

Senator McKINNEY. Mr. President, if we amend this bill to

day, as stated by the gentleman from Lackawanna, Senator Mellow, this bill, for all intents and purposes is dead. That is the truth behind this whole thing, to kill House Bill No. 2222, because it is the stronger bill.

The PRESIDENT. I generally allow discussions to continue on a very broad plane, but we are getting dangerously close to challenging one another's motives. I am asking the Members, I am not rebuking anyone, I just respectfully ask you to please be careful about challenging the motives of the Members.

Senator HOWARD. Mr. President, I am one of the three members on the Committee on State Government who voted to bring this bill to the floor in its present form. I am also one of the Members of the Senate who is being instructed constructively by the discussion we are having on the floor.

The gentleman from Westmoreland, Senator Kelley, stated that this is the first time this bill and the amendments to it have, in fact, been discussed on this floor and he is right. However, it is not because we did not try to bring the issue to the floor earlier. The members of the Committee on State Government may recall there were those of us who were pleading to bring this bill to the floor a week earlier in order that these matters and issues could be raised so that we would not be standing with our back against the wall and having to make the kinds of decisions not based upon the merits of the amendments, but because of the constrictions of the time frame within which we are working.

I am going to vote for these amendments because I agree with the gentleman from Lycoming, Senator Hager, and the gentleman from Cambria, Senator Coppersmith, that the bill is almost useless without them. What saddens me is that we were not doing this a week ago. I believe that this is the place where this whole matter should be discussed because it does concern all of us. I feel we should have the latitude of decision that the time frame does not permit.

I only suggest that those of us who were fighting against bringing this matter to the floor earlier might wish to support the efforts to keep this Body in Session until this matter is resolved rather than permitting us to adjourn at the end of this week. I believe we are going to have a contest about adjournment and I would only hope that those people who voted against bringing this to the floor earlier will support any opposition to that adjournment motion.

Senator DOUGHERTY. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT. Will the gentleman from Lackawanna, Senator Mellow, permit himself to be interrogated?

Senator MELLOW. I will, Mr. President.

Senator DOUGHERTY. Mr. President, am I correct in understanding that the bill has been amended in committee?

Senator MELLOW. Yes, Mr. President, it has.

Senator DOUGHERTY. Therefore, Mr. President, it must go back to the House for concurrence. Is that correct?

Senator MELLOW. That is correct, Mr. President. It goes back to the House Calendar for immediate consideration.

Senator DOUGHERTY. Mr. President, is it not possible that, if the amendments were adopted, through procedures we could not adjourn today's Session until tomorrow morning at which

time we could pass the bill as amended with the amendments of the gentleman from Cambria, Senator Coppersmith, and have it transported to the House for immediate consideration on their schedule?

Senator MELLOW. Mr. President, I have no problem with that as long as we would do the same for House Bill No. 198. They then could consider both ethics bills at the same time.

Senator DOUGHERTY. Mr. President, I think the point is that we are becoming involved in gamesmanship. I believe we should cut out the rhetoric and look at the situation very realistically. If we are all so concerned about House Bill No. 2222, as apparently both sides are on the Coppersmith amendments, it seems to me the procedure is there for us to vote tomorrow morning on House Bill No. 2222, or even late tonight, if, indeed, the bill could be reprinted that quickly with the amendments in it. I am sure with the discussion and the debate and various amendments which are to be offered to other bills today, we will be here for a couple more hours. This Body could judiciously consider House Bill No. 2222 with the Coppersmith amendments in it. By tomorrow the House could vote on it on concurrence. It would then go to the Governor. Meanwhile we can go on with other legislative business and consider House Bill No. 198 immediately.

I do not know why — and nobody has said why — we have to have House Bill No. 198 and House Bill No. 2222 married to each other when they pass this Body.

The PRESIDENT. As a point of information to the Members, you passed a resolution to be in Session tomorrow, at least a Joint Session with the House. I only give that as a point of information.

Senator McCORMACK. Mr. President, if I may, I would like to briefly answer the inquiry of the gentleman from Philadelphia, Senator Dougherty.

The problem, Mr. President, is that we want House Bill No. 2222 passed and we want it passed now because that contains a provision which prohibits attorney Members of the Legislature and their partners from practicing and receiving compensation for practice before State agencies whereas, House Bill No. 198 does not contain such a provision. That is why the attorneys are arguing so forcefully as to severability—

POINT OF ORDER

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

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

Senator KELLEY. Mr. President, I ordinarily do not like to do this but I would like to—

The PRESIDENT. Your point is well taken, Senator, and I believe Senator McCormack understands.

Senator McCORMACK. Mr. President, I am sorry and I apologize, but I was answering the inquiry of the gentleman from Philadelphia, Senator Dougherty, as truthfully as I can. All of a sudden the severability clause assumes momentous proportions. We have severability problems all the time. Whether it is nonseverability or severability it does not make much difference. The reason for the nonseverability clause is obvious; so the courts do not exclude themselves from the provisions of the

ethics legislation and include all other branches of government. Therefore, we deemed it wise to include that provision and nobody else ever raised that until half an hour ago when, all of a sudden, amendments are produced.

Mr. President, I suggest to the Members of the Senate that we get about giving the people of Pennsylvania good ethics legislation.

Senator COPPERSMITH. Mr. President, it seems there are two arguments against my amendments; one is a substantive argument that it should be nonseverable so that if one word is unconstitutional, the whole bill is out; if there is any mistake in the draftsmanship, the whole ethics concept is tossed into limbo; and we want to cover the judges. I thought the Constitution had covered that very well.

The other, of course, is that this is a mechanism for delay. If there is concern about this being a mechanism for delay, as has been well pointed out, the bill could be reprinted and voted tomorrow. There seems to be much ado about nothing. I believe, clearly, the bill should have a severability clause. It is a very unusual piece of legislation that passes this Body that does not have a severability clause.

I believe the amendments are good amendments and should be adopted by this Body.

Senator DOUGHERTY. Mr. President, I would have to offer an observation in response to the gentleman from Philadelphia, Senator McCormack. I am not an attorney. I have been a critic of lawyer-legislators and I sat here and listened to all the debate and can only conclude, Mr. President, that the severability clause in House Bill No. 2222 is there, as the gentleman from Lycoming, Senator Hager, said it was, a time bomb. The best way to have ethics legislation before the November elections is to pass House Bill No. 2222 and the best way to have no ethics legislation, come 1979, is to pass House Bill No. 2222.

Senator NOLAN. Mr. President, I desire to interrogate the gentleman from Lycoming, Senator Hager.

The PRESIDENT. Will the gentleman from Lycoming, Senator Hager, permit himself to be interrogated?

Senator HAGER. I will, Mr. President.

Senator NOLAN. Mr. President, did I understand the gentleman to refer to this bill, House Bill No. 2222, as a stronger bill; that because of the mechanism between the House and Senate it would be better that we get on with the bill and get House Bill No. 198 to the Governor's desk?

Senator HAGER. With one exception, Mr. President. I said, pass it first, get House Bill No. 198 out of here so that it goes to the Governor but then be sure that we pass House Bill No. 2222 also.

May I say, in answering that question, Mr. President, that I have heard lawyers on both sides of this aisle pledge themselves to vote for House Bill No. 2222.

Senator NOLAN. Mr. President, would the gentleman from Lycoming, Senator Hager, answer my question: Did the gentleman make the statement that House Bill No. 2222 is a stronger bill than House Bill No. 198?

Senator HAGER. Yes, Mr. President. I made it not only here, but I also made it other places, Mr. President.

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

Senator SWEENEY. Mr. President, I have listened to some of the scholarly presentations made by some of the distinguished lawyers in our Body. Some of those arguments are rather persuasive but, at the risk of being oversimplistic, I should like that bottom line defined for which we have been searching.

The presumption inherent in the various arguments presented by the attorney Members in most instances is predicated on the assumption that the court that will rule on the amendments will, in fact, remove itself from coverage by this bill and, by doing so, will therefore negate the entire bill. I emphasize the fact that that is a presumption.

I would like to think, if confronted with the tempo of our times, confronted with the echoes in the marketplace, that the members of the court who are going to make a ruling are not going to be insensitive, if you will, to the will and the demands of the people and will very carefully evaluate and, in my judgment, conclude that, in effect, they are covered and, therefore, the argument will fall.

So I say to my colleagues, Mr. President, let us get on with the business of passing House Bill No. 2222; I believe we have the amendments on the floor at the moment. I would urge my colleagues to vote against the amendments. I believe the motives expressed on both sides are defensible, are worthy, are commendable but, the fact is, it is going to delay our immediate consideration of House Bill No. 2222. Therefore, I would urge a negative vote on every amendment, regardless of its merits, concerning this bill.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—20

Andrews,	Gekas,	Howard,	Moore,
Coppersmith,	Hager,	Jubelirer,	Reibman,
Corman,	Hess,	Kelley,	Snyder,
Dougherty,	Holl,	Kusse,	Stauffer,
Dwyer,	Hopper,	Lewis,	Tilghman,

NAYS—29

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 198 (Pr. No. 3813) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 198.

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

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, it is my understanding that House Bill No. 198 was amended in this Senate, sent back to the House for concurrence, and the House of Representatives, in their wisdom, suspended their Rules and amended our amendments, is this true?

The PRESIDENT. Senator, it has been the practice for several years, since I have presided in this Senate, of the House of Representatives to often amend Senate amendments to House bills. This is what they have done in this instance, yes.

Senator NOLAN. And, is it not true, Mr. President, that we have a Rule here in the Senate that we cannot follow that procedure?

The PRESIDENT. It is not the practice of the Senate, by tradition, and I know now, by Rule that we do not do that.

MOTION TO LAY BILL ON THE TABLE

Senator NOLAN. Mr. President, in view of the fact of the admission of the Minority Leader that House Bill No. 2222 is a

much stronger bill than House Bill No. 198, I would move at this time that House Bill No. 198 be laid on the table until such time as we can have House Bill No. 2222 printed and the action of the Senate taken on House Bill No. 2222, since it is a much stronger bill.

The PRESIDENT. It has been moved by Senator Nolan that House Bill No. 198 be laid on the table.

Senator NOLAN. Mr. President, I am being told by my fellow Senators that we just passed it. I understand that. It will now go to the printer if I understand the proceedings of this Senate.

The PRESIDENT. For the information of Senator Nolan and the Members, House Bill No. 2222 will now go to the House for concurrence.

Senator NOLAN. It will give the House the opportunity to act on a much stronger bill, Mr. President. Because of that, I move at this time that House Bill No. 198 be laid on the table until the House takes action on House Bill No. 2222.

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

Senator MELLOW. Mr. President, I would just like to say that we made the statement in good faith that we would consider House Bill No. 198 and, for that reason, I would like to oppose the motion so that we can consider House Bill No. 198.

Senator LEWIS. Mr. President, it was my intention to rise to a point of personal privilege to simply make the statement just made by the gentleman from Lackawanna, Senator Mellow.

The Chair heard my comment before I made a previous vote.
The PRESIDENT. It has been made.

Senator NOLAN. Mr. President, I would say that unless this bill is tabled, we are going to end up with a much weaker bill, which is House Bill No. 198, on the desk of the Governor.

Let us not kid the general public. The House will not move on House Bill No. 2222.

PARLIAMENTARY INQUIRY

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

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

Senator HAGER. Mr. President, am I not correct that we have suspended our Rules and we have done the very same thing which the House of Representatives has done? As a matter of fact, we did it in this Session on the budget.

The PRESIDENT. I believe the Senate can suspend its Rules. My comment was that it has not been our practice and I think that is an accurate statement, Senator. I do not believe that has any bearing at all on what Senator Nolan ultimately moved. That is just a general statement he made.

POINT OF INFORMATION

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

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

Senator McCORMACK. Mr. President, is the motion to table the bill still before the Body?

The PRESIDENT. That is what we are going to vote on and it is a nondebatable motion.

Senator McCORMACK, Mr. President, may I ask the gentleman from Allegheny, Senator Nolan, to withdraw that motion. I was part of the agreement, however informal it was among the Senators who voted—

The PRESIDENT. We will be at ease for just a moment while you ask him, Senator.

(The Senate was at ease.)

Senator NOLAN. Mr. President, I would like to know where the agreement was made.

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

(The Senate was at ease.)

The PRESIDENT. This is not a debatable motion.

The motion before the Senate is,
Will the Senate agree to table the bill?

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

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

YEAS—1

Nolan,

NAYS—48

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

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 concur in the amendments made by the House to Senate amendments?

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

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President, is this bill on final passage?

The PRESIDENT. We are at the roll call, Senator. We have started the roll call on a motion.

Senator DUFFIELD. Mr. President, you said on a motion. I did not understand that.

The PRESIDENT. Senator, if you wish to speak on it, I will

permit you to do so under Petitions and Remonstrances, but once a roll call is started, I cannot break a roll call for anything.

Senator DUFFIELD. I understand that, Mr. President, but I think it was just a little quick inasmuch as we just finished one and went on to the other.

The PRESIDENT. I will slow down, Senator, on the following bills.

Senator DUFFIELD. Mr. President, I desire to be recorded in the negative.

The PRESIDENT. I will certainly do that, Senator. Is there any other Member who wishes to vote "no" on the motion? I thought you were going to make a speech, Senator.

Senator DUFFIELD. I was going to, Mr. President.

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

YEAS—48

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

NAYS—1

Duffield,

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

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 191 (Pr. No. 2167) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 191.

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

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

YEAS—48

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

NAYS—1

Duffield,

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

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

BILLS OVER IN ORDER

SB 195 — Without objection, the bill was passed over in its order at the request of Senator HAGER.

SB 224 (Pr. No. 2119) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 224.

On the question,

Will the Senate agree to the motion?

Senator DUFFIELD. Mr. President, I was in caucus this afternoon for quite a period of time. It was the understanding at that time and that is why I voted as I did. There was a definite understanding by a vote of the caucus that Senate Bill No. 191 would go over in its order because of certain deficiencies in the House amendments such as—I have forgotten, it was down to twenty days or something like that instead of thirty.

The gentleman from Berks, Senator O'Pake, who is Chairman of the Committee on Judiciary agreed with it. Now, are we being taken here or what is going on?

I ask that the vote taken on Senate Bill No. 191 be reconsidered and these other so-called crime bills—I do not even know which bill we are considering now. Senate Bill No. 224 was supposed to go over in its order. These were definite commitments that were made. We either believe our leadership on this or we do not know what we are doing.

I was prepared to argue the bill and then we were told it was going to go over in its order. In fact, we were going to nonconcur in Senate Bill No. 191, the wiretapping bill. That was the game plan. Now we are here rushing these things through. I was going by what was agreed to.

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 DUFFIELD. Mr. President, can the gentleman tell me if there was an announcement in our caucus that Senate Bill No. 191 would be nonconcurrent in?

Senator MESSINGER. Mr. President, I had originally suggested that we go over all the bills remaining on page 2 and all of the bills on page 3. However, at that time the gentleman from Berks, Senator O'Pake, told us that these bills were all right with the exception of Senate Bill No. 195 and Senate Bill No. 1319. We then decided to concur in the bills today rather than hold them over.

Senator DUFFIELD. Mr. President, as I understand it that was not an action of the caucus. The vote to nonconcur was rather high. It was all marked that they would go over and when these votes came up, we were caught unaware. We were

looking ahead, Mr. President, and I ask that whatever votes have been taken on Senate Bill No. 191, Senate Bill No. 195 and Senate Bill No. 224, if we have had a vote on that, be reconsidered.

The PRESIDENT. Senator, that is not in order at this time.

The question before the Senate is,

Will the Senate agree to the motion to concur in Senate Bill No. 224?

When we deal with that, I will recognize you for the purpose of moving a reconsideration if you choose to do so.

REQUEST FOR BILL OVER IN ORDER

Senator DUFFIELD. Mr. President, I request that Senate Bill No. 224 go over in its order.

The PRESIDENT. It has been requested by Senator Duffield that Senate Bill No. 224 go over in its order on final consideration.

We will be at ease for just a moment.

(The Senate was at ease.)

Senator DOUGHERTY. 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 DOUGHERTY. Mr. President, will the Majority Leader advise us if we support the request to have the bill go over in its order today, will the bill be voted tomorrow?

Senator MESSINGER. Mr. President, these bills will be voted tomorrow.

Senator DOUGHERTY. Mr. President, is the gentleman saying we will have a voting Session tomorrow?

Senator MESSINGER. Absolutely, Mr. President.

The PRESIDENT. Without objection, Senate Bill No. 224 will go over in its order.

SB 282 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 743 (Pr. No. 2150) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 743.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

Gekas, Lynch, Reibman, Wood,
 Gurzenda, Manbeck, Romanelli, Zemprelli,
 Hager,

NAYS—0

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

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

PERMISSION TO ADDRESS SENATE

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

Senator FUMO. Mr. President, now that we have accomplished that, I understand that somehow I was voted in the affirmative on Senate Bill No. 191. I would like to be recorded as having voted "no" on that bill if, in fact, we have recorded that vote. I am as lost as everyone else at this point.

The PRESIDENT. The remarks of the gentleman will be noted in the record.

RECONSIDERATION OF SB 191

BILL OVER IN ORDER

SB 191 (Pr. No. 2167) — Senator MESSINGER. Mr. President, I move that the Senate do now reconsider the vote by which the Senate concurred in the amendments made by the House to Senate Bill No. 191, Printer's No. 2167.

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

The motion was agreed to.

And the question recurring,
 Shall the bill pass finally?

Senator MESSINGER. Mr. President, I request that Senate Bill No. 191, Printer's No. 2167 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 191 will go over in its order.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 744 (Pr. No. 2154) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 744.

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

Senator STAUFFER. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

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

Senator KURY. I will, Mr. President.

Senator STAUFFER. Mr. President, Senate Bill No. 744 has come back to us on the first day from consideration by the House where it was amended. I wonder if the gentleman would explain to us the nature of the House amendments in this legislation?

Senator KURY. Yes, Mr. President, the House made one amendment. It has to do with the State sanctions for communi-

ties or municipalities which fail to enact a storm water plant. The way we passed it, if they failed to enforce or carry it out after 180 days, State funds could be cut off by the State Treasurer. The House amended that so that before the State funds could be cut off, the community would have an opportunity to appeal the cutoff. I believe the amendment made by the House is in favor of the local government and therefore I believe it is a good amendment.

Senator STAUFFER. Was there only the single amendment made by the House, Mr. President?

Senator KURY. Yes, Mr. President.

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

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—49

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 767 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1008 (Pr. No. 2166) — Senator MESSINGER. Mr. President, I request that Senate Bill No. 1008 go over in its order.

Senator LEWIS. Mr. President, I object to the request that Senate Bill No. 1008 go over in its order.

MOTION TO CONCUR IN HOUSE AMENDMENTS

Senator LEWIS. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1008.

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

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

YEAS—48

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

NAYS—1

Nolan,

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

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

BILLS OVER IN ORDER

SB 1319 and 1320 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1477 (Pr. No. 2163) — Senator MESSINGER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 1477, 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.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2542 (Pr. No. 3359) — 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—27

Coppersmith,	Kury,	Noszka,	Smith,
Duffield,	Lewis,	O'Pake,	Stout,
Dwyer,	Lynch,	Reibman,	Sweeney,
Early,	McCormack,	Romanelli,	Tilghman,
Fumo,	McKinney,	Ross,	Wood,
Gurzenda,	Messinger,	Scanlon,	Zemprelli,
Hankins,	Murray,	Schaefer,	

NAYS—21

Andrews,	Hess,	Kelley,	Nolan,
Bell,	Holl,	Kusse,	Orlando,
Corman,	Hopper,	Manbeck,	Snyder,
Dougherty,	Howard,	Mellow,	Stapleton,
Gekas,	Jubelirer,	Moore,	Stauffer,
Hager,			

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 210 (Pr. No. 3840) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MESSINGER. Mr. President, I move that House Bill No. 210 revert to the form it was in under Printer's No. 2680.

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

Senator HOWARD. Mr. President, I object to the motion.

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, I would like to ask what latitude we have in discussing this motion?

The PRESIDENT. Senator, the discussion is open. It would be virtually treated as an amendment so you may discuss the whole purpose and merit of the amendment and the bill. You may proceed, I do not believe there will be any objection.

Senator HOWARD. Mr. President, yesterday the Senate adopted this amendment, which, in effect, placed the total of a bill passed earlier in the Session, unanimously, known as the "Bute" bill, in this bill, which had come from the House, dealing with the same section of the code. The reason the action was taken yesterday—the proposal was made yesterday, upon which the Senate acted—was because the "Bute" bill, which the Senate passed last spring, has gone to the House, went into the Committee on Agriculture in the House, and that committee has had extensive hearings. Many Members from the Senate attended those hearings. Those hearings were the subject of vigorous lobbying from race track owners and from horse interests in the State who were violently opposed to the "Bute" bill.

The "Bute" bill is actually a misnomer because, actually, the bill is much broader than dealing with "Bute" alone but it does address itself to an effort to control the spread of narcotics abuse in the racing industry in Pennsylvania.

Those hearings produced some deeply disturbing testimony. Experts made charges; among them was the fact that thoroughbred racing in this State is becoming what they refer to as a "drug scene," that horses are regularly doped and that "Bute" is used to mask the application of narcotics to control the outcome of races in the State; that bookmakers are refusing now to handicap races in Pennsylvania because the abuse is so widespread; that horses are being crippled and maimed and destroyed as a result of this abuse. There were charges made of

criminal activity and, following the hearings which were held on the 2nd and 3rd of August, the charges were so dramatic in nature, I wrote to the general counsel of the Racing Commission asking whether any action would be taken to at least investigate the charges. His answer was, effectively, that they would take a look at the transcripts when they arrived and decide at that time.

Nothing has been done now. There are Members in the House who are anxious to vote on this bill. They cannot get it out of the Committee on Agriculture.

If we send this bill back with this amendment still in it, it will give House Members who support this measure an opportunity to vote on this measure before the election comes.

I have documents which—because the hour is late—I will not read to you at length, but are dated as recently as September 21st in the Philadelphia Daily News describing the abuses that “Bute” involves.

What concerns me is that if we move to revert, we are removing, probably, the only opportunity this Legislature, the House particularly, is going to have to act upon this extremely important measure. It is not only in the interest of the animals who are being abused and bettors who are being cheated, but it is also a matter of survival of the industry itself, which is getting such a bad name, as the hearings in the House described, that it is going to fall from its present position as being one of the top major industries in Pennsylvania to the status of what occurred in Vermont when this abuse was not curbed. The industry died.

From almost any standpoint that it can be looked at, this measure is enormously important to the industry of Pennsylvania, to the humanitarian concepts that are involved in the issue and to the people who attend the tracks.

Mr. President, I strongly oppose the efforts to revert and I would ask the Members of the Senate to support me.

Senator NOLAN. Mr. President, the bill before us, in its present form, to me is a windfall for the breeders. I believe we are going to give them the windfall, the second one in two years, the least we can do is require that the horses that are put on the tracks in Pennsylvania be in condition to run.

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

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator MESSINGER. Mr. President, I would like to be recorded as voting in the negative.

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—12

Arlene, Duffield, Gurzenda,	Hankins, Holl, Kelley,	Lynch, McKinney, Murray,	Scanlon, Smith, Stout,
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NAYS—36

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Early, Fumo, Gekas,	Hager, Hess, Hopper, Howard, Jubelirer, Kury, Kusse, Lewis, Manbeck,	McCormack, Mellow, Messinger, Moore, Nolan, Noszka, O'Pake, Orlando, Reibman,	Romanelli, Ross, Schaefer, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Zemprelli,
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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?

REQUEST FOR BILL OVER IN ORDER

Senator MESSINGER. Mr. President, I request that House Bill No. 210 go over in its order.

Senator HOWARD. Mr. President, may I suggest that the bill be run today because I object to the bill going over in its order.

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

It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—47

Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda,	Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lynch, Manbeck,	McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Wood,
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NAYS—2

Lewis,	Zemprelli,
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A constitutional majority of all the Senators having voted “aye,” the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Rep-

representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD CONSIDERATION AMENDED AND REREFERRED

HB 222 (Pr. No. 242)— Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 7, by inserting before "Substituting": extending the time for filing claims, making editorial changes and

Amend Sec. 1, page 1, line 11, by striking out "Section 6," and inserting: Sections 4, 5 and 6,

Amend Sec. 1, page 1, line 13, by inserting before "reenacted": sections 4 and 6

Amend Sec. 1, page 1, line 13, by striking out "is" and inserting: and section 5, amended December 16, 1977 (P. L. 327, No. 96), are

Amend Bill, page 1, by inserting between lines 14 and 15:

Section 4. Property Tax or Rent Rebate.—(a) The amount of any claim for property tax rebate for real property taxes due and payable during the calendar years 1971 and 1972, or rent rebate in lieu of property taxes for rent due and payable during the calendar year 1972 shall be determined in accordance with the following schedule:

Household Income	Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate
\$ 0-\$ 999	100%
1,000- 1,499	90
1,500- 1,999	80
2,000- 2,499	70
2,500- 2,999	60
3,000- 3,499	50
3,500- 3,999	40
4,000- 4,999	30
5,000- 5,999	20
6,000- 7,499	10]

(a.1) The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during the calendar year 1973 [and thereafter] through calendar year 1977, inclusive, shall be determined in accordance with the following schedule:

\$ 0-\$2,999	100%
3,000- 3,499	90
3,500- 3,999	80
4,000- 4,499	70
4,500- 4,999	60
5,000- 5,499	50
5,500- 5,999	40
6,000- 6,499	30
6,500- 6,999	20
7,000- 7,499	10

(a.2) The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during calendar year 1978 and thereafter shall be determined in accordance with the following schedule:

Percentage of Real Property Taxes or Rent Rebate in

Lieu of Property Taxes

Household Income	Allowed as Rebate
\$ 0-\$3,999	100%
4,000- 4,499	90
4,500- 4,999	80
5,000- 5,499	70
5,500- 5,999	60
6,000- 6,499	50
6,500- 6,999	40
7,000- 7,499	30
7,500- 7,999	20
8,000- 8,499	10

(b) No claim shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of rebate payable shall not exceed [two hundred dollars (\$200)] four hundred dollars (\$400).

(c) No claim shall be allowed if the claimant is a tenant of an owner of real property exempt from real property taxes.

(d) If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant's spouse, or if the claimant is a widow or widower who remarries, or if the claimant is a permanently disabled person who is no longer disabled, the department shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of rebate for which a claimant is eligible. A claimant who is a renter shall not be eligible for rent rebate in lieu of property taxes during those months within which he receives public assistance from the Department of Public Welfare.

Section 5. Filing of Claim.—A claim for property tax or rent rebate shall be filed with the department on or before the thirtieth day of June of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable: Provided, That claims filed after the June 30 deadline [may] until December 31 of such calendar year shall be accepted [at the discretion of] by the Secretary of Revenue [for cause shown] as long as funds are available to pay the benefits to the late filing claimants. No reimbursement on a claim shall be made from the State Lottery Fund earlier than the day following the [last day] thirtieth day of June provided in this act on which that claim may be filed with the department. Only one claimant from a homestead each year shall be entitled to property tax or rent rebate. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom a rebate is to be paid.

Amend Sec. 2, page 2, line 17, by removing the period after "immediately" and inserting: and shall be retroactive to taxes or rent paid on or after January 1, 1978.

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, these amendments take a bill, passed in the House by a vote of 187 to 0, which came to my committee and it expedites the intent of the bill coming from the House. These amendments put the property rebate

taxes as passed by the House into House Bill No. 222. The effect of the amendments would be that they raise the present figures allowed for a total household family income by an amount of \$1,000 in each category. These amendments also raise the rebate in that the ceiling now becomes \$400.

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

Senator TILGHMAN. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

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

Senator NOLAN. I will, Mr. President.

Senator TILGHMAN. Mr. President, could the gentleman tell us the cost of these amendments?

Senator NOLAN. Mr. President, it is my understanding that the cost would approximate \$13 million.

Senator TILGHMAN. Mr. President, did I understand the figure to be \$13 million?

The PRESIDENT. The figure was \$13 million, Senator.

Senator TILGHMAN. Mr. President, can the gentleman tell us where the money is coming from?

Senator NOLAN. Mr. President, the Lottery Fund states they have a \$68 million surplus as of the latest figures. In speaking to these people the revenues are increasing every day with the Daily Lottery. It is their intention to introduce a new game called "Lotto" shortly after the first of the year. The surplus will be able to handle this \$13 million.

Senator TILGHMAN. Mr. President, as I understand it, the gentleman stated there was a \$68 million surplus in the Lottery Fund at the present time. There is a great deal of confusion concerning this surplus figure. The radios in the eastern part of the Commonwealth stated there was a \$72 million surplus. As of this moment there is a surplus; it is debatable as to how much it is. I imagine it is about \$20 million.

The Lottery Commission or the Department of Revenue has estimated that on next June 30th at midnight there might be a \$72 million surplus. They tell us to tell our constituents there is no such surplus at this moment; it is simply an estimate. It is not particularly to my liking to stand up here and speak against these amendments, but I feel I must do so. The funds simply are not there.

There is a possibility that the present \$20 million surplus in the Lottery Fund could disappear. I am not saying it would, but it could.

If we can pass legislation—and I had understood that the cost of these amendments was much more than \$13 million—committing the next General Assembly to spending money that is not even there at the present time, I would submit to the Members that maybe during these waning hours this evening we might pass next year's Appropriations bill and get it out of the way. It just is not logical to spend money we do not have. We cannot do it. Everybody is writing to me as the Minority Chairman of the Committee on Appropriations and maybe to the gentleman from Philadelphia, Senator Smith, suggesting where we put this \$72 million which does not exist.

People will tell us we should put it into the nursing homes; laudible. People will tell us we should put it into care for the elderly; laudible. I write back and tell them they have a very

good suggestion. They should keep it on file and write again to see if we do have a profit at the end of the year. I hope we do, but at the present time it is simply a revenue estimate.

Senator KURY. Mr. President, I find myself in total agreement with the gentleman from Montgomery, Senator Tilghman. There are many interested groups in the Commonwealth who would like to have more benefits and we would like to give them to everybody. However, we cannot have Christmas in September.

I feel one of the major things needed at this time, in the closing hours of this Session and with the uncertainty of the fiscal situation next year, is that we need to hold back on this kind of generous inclination until we find out how much money we have to spend. To spend money we do not have is just fiscally irresponsible.

For those reasons, Mr. President, I will vote against these amendments.

Senator STAUFFER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

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

Senator NOLAN. I will, Mr. President.

Senator STAUFFER. Mr. President, would the gentleman tell us the source of the \$13 million estimate as the cost of his amendments?

Senator NOLAN. Mr. President, the person who sponsored the bill in the House gave me this figure.

Senator STAUFFER. Mr. President, does the gentleman know the source which that House Member used to obtain that figure?

The PRESIDENT. Senator, I hope we are not leading to a point where I will be compelled to hold someone in contempt for not revealing his source.

Senator STAUFFER. No, Mr. President.

Senator NOLAN. No, Mr. President, I do not know the source of that, but I would not doubt that he has checked with the proper authorities to come up with a proper amount.

Senator STAUFFER. Mr. President, the concern I had in asking that question was whether it was a figure picked from the air or whether it was a reliable figure.

My final question is: Is there a provision in either this bill or the amendments offered by the gentleman to prorate the benefits to senior citizens if the surplus which we anticipate is not available to provide this additional funding?

Senator NOLAN. Mr. President, it is my understanding in reading the property tax rebate act now on the books that they are required to adjust downward, according to the income, when the income will not cover the amount of money in rebates which the people have requested. That is already in the law.

Senator STAUFFER. Mr. President, would the gentleman agree that this has not been the practice by the Lottery Commission or the Department of Revenue in the past?

Senator NOLAN. Mr. President, I am not sure of the practice of the Lottery Commission in the past, but the gentleman asked me if there was any provision in this bill to allow adjustments. I pointed out to him that those adjustments are covered at the present time under the Lottery Act passed by the Legislature

here is Pennsylvania.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President, I have heard several ballpark figures on this matter. There is a considerable amount of money involved here. Is it not the practice when we discuss appropriations bills of this nature, or the spending of money, to obtain a report from the Committee on Appropriations as to what it will actually cost?

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

(The Senate was at ease.)

The PRESIDENT. I would like to quote this Rule for the Members: "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."

Senator, that is not what is at issue here. I would like to point out, as the Secretary has pointed out to me, if the amendments are adopted then the Rule would be applicable and, in my judgment, the bill would then have to go to the Committee on Appropriations. However, until we adopt the amendments, I do not think there is any need for it to go to the Committee on Appropriations.

Senator DUFFIELD. Mr. President, if the amendments are adopted, which sounds reasonable, would it not save time to submit this now to the Committee on Appropriations because, if this bill is passed as amended, it will have to go to the Committee on Appropriations and that would be beyond the Session. It could not be passed this year.

Mr. President, at this time I would move that House Bill No. 222 be rereferred to the Committee on Appropriations in order to save time, because, if we pass the amendments, the bill will have to go to the Committee on Appropriations anyway.

Therefore, Mr. President, I move that the amendments be rereferred to committee for a fiscal breakdown.

The PRESIDENT. Senator, I have a hard time accepting that motion.

Senator DUFFIELD. Mr. President, we are being asked to vote on amendments and we have no idea how many millions of dollars they will cost. We have no authority other than what someone over in the House said. I think, for the benefit of the Senate—

The PRESIDENT. Senator, I do not choose to be contentious or argumentative with you. I just find it hard to accept a motion to refer amendments to the Committee on Appropriations. If you chose to move to put the bill in the Committee on Appropriations I would accept that motion and let the Body vote on it. But I really do not know what you want, Senator, and that is the point I am trying to make.

Senator DUFFIELD. Mr. President, I want to know how much it is going to cost before I vote on the amendments. That is very simple.

The PRESIDENT. Senator, Senator Nolan has said it will cost

\$13 million.

Senator DUFFIELD. Yes, Mr. President, but that was from someone over in the House who put this figure in the bill. He may have picked it out of the sky.

MOTION TO REREFER

Senator DUFFIELD. Mr. President, I move that House Bill No. 222 be rereferred to the Committee on Appropriations.

The PRESIDENT. It has been moved by Senator Duffield that House Bill No. 222 be rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator TILGHMAN. Mr. President, I would oppose the motion to rerefer for the simple reason that the bill as it now stands is laudible. We should address ourselves to this piece of legislation. If we rerefer it, we probably cannot pass it during this Session.

For that reason, Mr. President, I would oppose the motion to rerefer and we could go on with our discussion relative to the amendments.

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, the motion did not include the amendments. The gentleman moved to rerefer the bill. The question before the Senate is the amendments. Will the Senate adopt the amendments? Is this question on rerefer applicable to both the bill and the amendments, because the gentleman wants a fiscal note on the amendments?

The PRESIDENT. The question is applicable to the bill; it is a motion that takes precedence over an amendment and that is what we are voting on.

Senator McCORMACK. Mr. President, does the motion carry the amendments with it?

The PRESIDENT. Senator, the motion only takes the bill. All those voting "aye," vote in favor of the motion. I do not understand why we have all these questions. It is not that complicated. If you want to handle the amendments in committee, handle them there.

POINT OF INFORMATION

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

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

Senator ORLANDO. Mr. President, in its present form does House Bill No. 222 need a fiscal note?

The PRESIDENT. No, Senator.

Senator ORLANDO. Then why, Mr. President, are we rerefering the bill?

The PRESIDENT. Because Senator Duffield moved to rerefer it.

Senator ORLANDO. Mr. President, his motion to rerefer was based on the assumption that the amendments would pass. Then, the bill would need a fiscal note.

The PRESIDENT. Which could very well be your reason for opposing the motion to rerefer.

MOTION WITHDRAWN

Senator DUFFIELD. Mr. President, at this time I withdraw my motion to rerefer. If the amendments pass, I will then move that the bill be rereferred.

The PRESIDENT. The motion to rerefer has been withdrawn by Senator Duffield.

And the question recurring,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, there have been statements made on this floor that certain Senators will not vote for these amendments because the money is not available. Yet, some of those same individuals wanted to cut the tax for Conrail from forty-five mills to nine mills last week. They also wanted to give the banks a \$16.2 million break. The money was not available there either. Those same individuals were in favor of that.

I still say that the bill giving tax rebates to senior citizens states that where the money is not available, it shall be adjusted downward to compensate for the amount of money and revenue available.

Mr. President, I ask for a vote in favor of the amendments.

Senator EARLY. Mr. President, I rise in favor of the amendments introduced by the gentleman from Allegheny, Senator Nolan.

As I recall, back in 1971 when we first worked on legislation dealing with senior citizen tax rebates—if my memory serves me correctly—it was passed with Act 2, giving the senior citizens a tax rebate. This was done without the benefit of the State Lottery even being passed because that was enacted, I think, later in February with Act 93. At that time we established the Senior Citizen Lottery Fund and the money was to be derived from the General Fund.

After we passed the lottery bill, only then and in that lottery bill did we say the money would then replace the money that we took from the General Fund. In fact, giving the senior citizens the tax rebate was one of the arguments used in passing the State Income Tax.

To come back now and say that we cannot do this because the money may not be there is 100 per cent opposite of what we did when we first established this back in 1971. The argument that the money is not there, the money will not be there and for that reason we will not give it to the senior citizens, is extremely unfair.

Mr. President, I rise in favor of the amendments of the gentleman from Allegheny, Senator Nolan, and the argument that the money may not be there is totally unfounded. I base that on the history of the bills we passed in 1971.

Senator BELL. Mr. President, I rise to support the amendments of the gentleman from Allegheny, Senator Nolan. My only regret is that the upper limits of eligibility were not raised high enough.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—45

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,	Kusse,	Noszka,	Stauffer,
Early,	Lewis,	O'Pake,	Stout,
Fumo,	Lynch,	Orlando,	Sweeney,
Gekas,	Manbeck,	Reibman,	Wood,
Gurzenda,	McCormack,	Romanelli,	Zemprelli,
Hager,			

NAYS—4

Coppersmith,	Kelley,	Kury,	Tilghman,
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So the question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

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

Amend Title, page 1, line 8, by removing the period after "status" and inserting: and further providing for the definition of "income."

Amend Sec. 1, page 1, line 11, by striking out "Section" and inserting: Clause (1) of section 3 and section

Amend Sec. 1, page 1, line 13, by striking out "is" and inserting: are

Amend Bill, page 1, by inserting between lines 14 and 15:

Section 3. Definitions.—As used in this act:

(1) "Income" means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, [all benefits received under the Federal Social Security Act (except Medicare benefits),] all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars (\$5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax rebate, nor shall income include any benefits received under the Federal Social Security Act, including Medicare benefits.

* * *

Amend Sec. 2, page 2, line 17, by removing the

period after "immediately" and inserting: and shall apply retroactively to taxable years beginning January 1, 1978.

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

Senator DOUGHERTY. Mr. President, these amendments would take Social Security income out as being reportable income to qualify for the rebate.

I have checked this out with the Department of Revenue. The cost estimate is \$13,900,000.

What we are trying to do, Mr. President, is help those senior citizens who are just outside the range of qualification for rebates under the program. By excluding Social Security we are recognizing that those who worked all their lives and have earned Social Security should not be penalized when it comes to a program to assist them with their housing and their rent.

Mr. President, I would ask for a positive vote on these amendments.

And the question recurring,
Will the Senate agree to the amendments?
They were agreed to.

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

MOTION TO REREFER

Senator SCANLON. Mr. President, I move that House Bill No. 222 be rereferred to the Committee on Appropriations.

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

The PRESIDENT. House Bill No. 222, as amended, is rereferred to the Committee on Appropriations.

MEETING OF THE COMMITTEE ON BUSINESS AND COMMERCE

Senator ZEMPRELLI. Mr. President, may I beg the indulgence of the Senate? I had previously advertised a meeting of the Committee on Business and Commerce to be called some time during the Session.

As this is an interim period between important legislation, I would appreciate the Chair requesting a meeting to be held in the Minority caucus room immediately. It will be a very, very short meeting.

The PRESIDENT. Is there any objection if we proceed with the orderly business of the Senate and, if a roll call arises, the Members can then come out and vote?

Senator ZEMPRELLI. I see no reason why not, Mr. President.

The PRESIDENT. Otherwise, we may lose a great deal of time.

Would the members of the Committee on Business and Commerce please report to the caucus room off the floor and we will see to it that the Members are notified in case any roll calls arise.

MEETING OF THE COMMITTEE ON ENVIRONMENTAL RESOURCES

Senator MELLOW. Mr. President, it had been agreed to earlier that, at some appropriate time during the Session, the Committee on Environmental Resources would be allowed to hold a brief meeting to consider one bill.

The PRESIDENT. Would the members of that committee please go with Senator Mellow and we will notify the Members in case any controversial matters arise before the Senate.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AMENDED

HB 238 (Pr. No. 3715)— Considered the third time,

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

ORLANDO AMENDMENTS

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

Amend Title, page 1, line 11, by inserting after "EDUCATION,"; for timely filing of tax petitions,

Amend Bill, page 2, by inserting between lines 12 and 13:

Section 2. Section 220 of the act, amended June 27, 1974 (P. L. 376, No. 126), is amended to read:

Section 220. Timely Mailing Treated as Timely Filing and Payment.—Notwithstanding the provisions of any State tax law to the contrary, whenever a report, petition or payment of all or any portion of a State tax is required by law to be received by the Pennsylvania Department of Revenue or Board of Finance and Revenue or other agency of the Commonwealth on or before a day certain, the taxpayer shall be deemed to have complied with such law if the letter transmitting the report, petition or payment of such tax which has been received by the department or Board of Finance and Revenue is postmarked by the United States Postal Service on or prior to the final day on which the report, petition or payment is to be received.

For the purposes of this article, presentation of a receipt indicating that the report, petition or payment was mailed by registered or certified mail on or before the due date shall be evidence of timely filing and payment.

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

Amend Sec. 2 (Sec. 334), page 2, line 19, by inserting after "ON": Saturday, Sunday or

Amend Sec. 3, page 2, lines 29 and 30; page 2, lines 1 and 2, by striking out all of said lines and inserting:

Section 4. Section 336 of the act, amended June 27, 1974 (P. L. 376, No. 126), is amended to read:

Section 336. Timely Mailing Treated as Timely Filing and Payment.—Notwithstanding the provisions of any State tax law to the contrary, whenever a report, petition or payment of all or any portion of a State tax is required by law to be received by the Pennsylvania Department of Revenue, Board of Finance and Revenue or other agency of the Commonwealth on or before a day certain, the taxpayer shall be deemed to have complied with such law if the letter transmitting the report, petition or payment of such tax which has

been received by the department or Board of Finance and Revenue is postmarked by the United States Postal Service on or prior to the final day on which the report, petition or payment is to be received.

For the purposes of this article, presentation of a receipt indicating that the report, petition or payment was mailed by registered or certified mail on or before the due date shall be evidence of timely filing and payment.

Section 5. This act is amended by adding sections to read:

Amend Sec. 4, page 6, line 15, by striking out "4" and inserting: 6

Amend Bill, page 6, by inserting between lines 17 and 18:

Section 7. Section 403.1 of the act, amended June 27, 1974 (P. L. 376, No. 126), is amended to read:

Section 403.1. Timely Mailing Treated as Timely Filing and Payment.—Notwithstanding the provisions of any State tax law to the contrary, whenever a report, petition or payment of all or any portion of a State tax is required by law to be received by the Pennsylvania Department of Revenue, Board of Finance and Revenue or other agency of the Commonwealth on or before a day certain, the corporation shall be deemed to have complied with such law if the letter transmitting the report, petition or payment of such tax which has been received by the department or Board of Finance and Revenue is postmarked by the United States Postal Service on or prior to the final day on which the report, petition or payment is to be received.

For the purposes of this article, presentation of a receipt indicating that the report, petition or payment was mailed by registered or certified mail on or before the due date shall be evidence of timely filing and payment.

Amend Sec. 5, page 6, line 18, by striking out "5" and inserting: 8

Amend Sec. 6, page 7, line 8, by striking out "6" and inserting: 9

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

SCANLON AMENDMENTS

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

Amend Title, page 1, line 14, by inserting after "Commonwealth": clarifying the recognition of the valuation portion of the loan loss reserve in assessing the value of capital stock for the bank shares tax

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

Section 6. Section 701 is amended to read:

Section 701. Imposition of Tax.—Every bank or savings institution having capital stock, incorporated by or under any law of this Commonwealth or under any law of the United States, and located within this Commonwealth, shall, on or before April 15 in each and every year, make to the Department of Revenue a report in writing, verified as required by law, setting forth the full number of shares of the capital stock subscribed for or issued, as of the preceding January 1, by such bank or savings institution having capital

stock, and the actual value thereof as of the preceding January 1, which actual value shall be ascertained as hereinafter provided. It shall be the duty of the Department of Revenue to assess such shares for the calendar year beginning January 1, 1971, and each year thereafter, at the rate of fifteen mills upon each dollar of actual value thereof, the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in, the surplus, and undivided profits, and dividing this amount by the number of shares. In ascertaining the actual value of each share of stock, the Department of Revenue shall not increase the undivided profits by the amount of the valuation reserve for loan losses reported by such bank or savings institution on its report of condition made at the end of the preceding calendar year in accordance with the requirements of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation pursuant to section 161, 324, or 1817(a) of Title 12 of the United States Code, as amended. The "valuation reserve for loan losses" shall mean, in the case of a bank or savings institution which is an insured bank under the Federal Deposit Insurance Act, the amount deducted (under the caption of the reserve or allowance for possible loan losses) from total loans on the report of condition prepared on the form and in accordance with the instructions of such Federal banking authorities and shall be binding on both the Department of Revenue and the bank or savings institution. It shall be the duty of every bank or savings institution having capital stock, at the time of making every report required by this section, to compute the tax and to pay the amount of said tax to the State Treasurer, through the Department of Revenue either from its general fund, or from the amount of said tax collected from its shareholders: Provided, That for the calendar year beginning January 1, 1971, and each year thereafter, such bank or savings institution having capital stock, upon the date its report, herein required is made for such calendar year beginning January 1, 1971, and each year thereafter, shall pay to the Department of Revenue not less than eighty per cent of the tax due to the Commonwealth by it for such calendar year, and the remaining tax due shall be paid at the time when the report here-in required for the year next succeeding is made: Provided, That in case any bank or savings institution having capital stock, incorporated under the law of this State or of the United States, shall collect, annually, from the shareholders thereof said tax of fifteen mills, on the dollar upon the actual value of all the shares of stock of said bank or savings institution, according to the provisions of this article, that have been subscribed for or issued, and pay the same into the State Treasury, through the Department of Revenue, the shares, and so much of the capital and profits of such bank or savings institution having capital stock as shall not be invested in real estate, shall be exempt from local taxation under the laws of this Commonwealth; and such bank or savings institution having capital stock shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon.

Amend Sec. 6, page 7, line 8, by striking out "6.

This" and inserting:

7. This act shall take effect January 1, 1979 and apply to all tax years thereafter: Provided, That section 6 shall not affect or prejudice any claim of any taxpayer or of the Commonwealth with respect to the determination of shares tax liabilities for prior years which are subject to petitions for resettlement, review or refund or appeals to the courts; the remainder of this

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

LEWIS AMENDMENTS

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

Amend Title, page 1, line 14, by inserting after "Commonwealth": , adding a definition relating to blasting

Amend Bill, page 1, by inserting between lines 16 and 17:

Section 1. Subclause (3) of clause (c) of section 201, act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," amended August 31, 1971 (P. L. 362, No. 93), is amended and the section is amended by adding a clause to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(c) "Manufacture." The performance of manufacturing, fabricating, compounding, processing or other operations, engaged in as a business, which place any personal property in a form, composition or character different from that in which it is acquired whether for sale or use by the manufacturer, and shall include, but not limited to—

(3) Refining, blasting, exploring, mining and quarrying for, or otherwise extracting from the earth or from waste or stock piles or from pits or banks any natural resources, minerals and mineral aggregates including blast furnace slag;

(C.1) "Blasting." The use of any combustible or explosive composition in the removal of material resources, minerals and mineral aggregates from the earth including the separation of the dirt, waste and refuse in which they are found.

Amend Sec. 1, page 1, line 17, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, lines 17 through 19, by striking out "ACT" in line 17, all of line 18, and "1971," in line 19, and inserting: of the act

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

Amend Sec. 3, page 2, line 29, by striking out "3." and inserting: 4.

Amend Sec. 4, page 6, line 15, by striking out "4." and inserting: 5.

Amend Sec. 5, page 6, line 18, by striking out "5." and inserting: 6.

Amend Sec. 6, page 7, line 8, by striking out "6." and inserting: 7.

On the question,
Will the Senate agree to the amendments?
They were agreed to.

The PRESIDENT. House Bill No. 238 will go over, as amended.

HB 404 (Pr. No. 3792) — Considered the third time,

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

KELLEY AMENDMENTS

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

Amend Sec. 2 (Sec. 1637), page 25, lines 10 through 14, by striking out all of said lines

Amend Title, page 1, lines 15 and 16, by striking out "AN APPROPRIATION AND"

Amend Bill, page 30, lines 7 through 9, by striking out all of said lines

Amend Sec. 10, page 30, line 10, by striking out "10." and inserting: 9.

Amend Sec. 2 (Sec. 1633), page 19, line 30; page 20, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 1633), page 20, line 3, by striking out "(D)" and inserting: (c)

Amend Sec. 10, page 30, line 10, by removing the period after "1979" and inserting: and shall be applicable to campaign financing for all elections thereafter.

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

KURY AMENDMENTS

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

Amend Sec. 2 (Sec. 1624), page 10, line 26, by striking out "CANDIDATE" and inserting: candidates

Amend Sec. 2 (Sec. 1624), page 10, line 26, by removing the period after "SUPPORTED" and inserting: and their names and addresses.

Amend Sec. 2 (Sec. 1624), page 10, lines 26 through 28, by striking out "HOWEVER, SHOULD A" in line 26 and all of lines 27 and 28

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

KURY-HAGER AMENDMENTS

Senators KURY and HAGER, by unanimous consent, offered the following amendments:

Amend Title, page 1, line 15, by inserting after "TREASURERS," requiring certain statements of lobbyists,

Amend Sec. 2 (Sec. 1621), page 7, by inserting between lines 25 and 26:

(f) The word "lobbyist" shall mean any person who is registered pursuant to the provisions of the act of September 30, 1961 (P. L. 1778, No. 712), known as the "Lobbying Registration and Regulation Act."

Amend Sec. 2 (Sec. 1621), page 7, line 26, by striking out "(F)" and inserting: (g)

Amend Sec. 2 (Sec. 1621), page 7, line 29, by striking out "(G)" and inserting: (h)

Amend Sec. 2 (Sec. 1621), page 8, line 2, by striking out "(H)" and inserting: (i)

Amend Sec. 2 (Sec. 1621), page 8, line 5, by striking out "(I)" and inserting: (j)

Amend Sec. 2 (Sec. 1621), page 8, line 7, by striking out "(J)" and inserting: (k)

Amend Bill, page 11, by inserting between lines 11 and 12:

Section 1625. Statements by Lobbyists.

(a) Any lobbyist who has given a contribution or pledge regardless of amount, to any candidate, shall be subject to the same registration and reporting provisions as are political committees.

(b) The registration statement required by section 1624 shall be filed by a lobbyist who has given a contribution or pledge regardless of amount, to any candidate.

Amend Sec. 2 (Sec. 1625), page 11, line 12, by striking out "1625" and inserting: 1626

Amend Sec. 2 (Sec. 1626), page 14, line 2, by striking out "1626" and inserting: 1627

Amend Sec. 2 (Sec. 1627), page 14, line 16, by striking out "1627" and inserting: 1628

Amend Sec. 2 (Sec. 1628), page 15, line 3, by striking out "1628" and inserting: 1629

Amend Sec. 2 (Sec. 1629), page 15, line 26, by striking out "1629" and inserting: 1630

Amend Sec. 2 (Sec. 1630), page 16, line 7, by striking out "1630" and inserting: 1631

Amend Sec. 2 (Sec. 1631), page 17, line 3, by striking out "1631" and inserting: 1632

Amend Sec. 2 (Sec. 1632), page 18, line 7, by striking out "1632" and inserting: 1633

Amend Sec. 2 (Sec. 1633), page 19, line 20, by striking out "1633" and inserting: 1634

Amend Sec. 2 (Sec. 1634), page 20, line 8, by striking out "1634" and inserting: 1635

Amend Sec. 2 (Sec. 1635), page 21, line 5, by striking out "1635" and inserting: 1636

Amend Sec. 2 (Sec. 1636), page 22, line 20, by striking out "1636" and inserting: 1637

Amend Sec. 2 (Sec. 1637), page 23, line 22, by striking out "1637" and inserting: 1638

Amend Sec. 2 (Sec. 1638), page 25, line 15, by striking out "1638" and inserting: 1639

Amend Sec. 2 (Sec. 1639), page 26, line 19, by striking out "1639" and inserting: 1640

Amend Sec. 2 (Sec. 1640), page 27, line 8, by striking out "1640" and inserting: 1641

Amend Sec. 2 (Sec. 1641), page 28, line 4, by striking out "1641" and inserting: 1642

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. The Chair would like to explain to the Members that one of the most difficult problems we have in printing is handling bills that are amended. So that we can now address that problem and try to have a Calendar in order by tomorrow, I have respectfully asked the leaders, without objection, to call up for consideration those bills where the amendments have been agreed upon; those bills that Members may wish to amend that may not have been agreed upon, so we can now deal with those before proceeding to other parts of the Calendar.

THIRD CONSIDERATION CALENDAR RESUMED

HB 872 CALLED UP OUT OF ORDER

HB 872 (Pr. No. 3700) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

HB 872 (Pr. No. 3700) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1722), page 16, line 16, by striking out "EXCEPT FOR"

Amend Sec. 2 (Sec. 1725.1), page 17, line 7, by striking out "INCLUDE ALL" where it appears the second time

Amend Sec. 2 (Sec. 1725.2), page 18, line 22, by inserting a period after "IMPOSED"

Amend Sec. 2 (Sec. 1725.2), page 18, lines 22 through 24, by striking out "IF THE" in line 22, all of line 23 and "THIS COMMONWEALTH OR OF ANY OF ITS POLITICAL SUBDIVISIONS." in line 24

Amend Sec. 3 (Sec. 3112), page 19, line 10, by striking out "(A) GENERAL RULE.—"

Amend Sec. 3 (Sec. 3112), page 19, lines 14 through 18, by striking out all of said lines

Amend Sec. 3 (Sec. 3302), page 20, line 24, by striking out the bracket before "DISTRICT"

Amend Sec. 3 (Sec. 3302), page 20, line 24, by striking out "APPOINTIVE"

Amend Sec. 3 (Sec. 3302), page 20, line 26, by striking out the bracket before "DISTRICT"

Amend Sec. 3 (Sec. 3302), page 20, line 29, by striking out the bracket after "INTEREST."

On the question,

Will the Senate agree to the amendments?

Senator NOLAN. Mr. President, in the bill, as it is now written, magistrates are removed from the canon of ethics, which covers the judicial courts and those who work for the courts.

These amendments put the magistrates back into the bill. They remove the language from the bill and continue the magistrates under that canon of ethics.

Senator BELL. Mr. President, I oppose amending this bill. If this bill is amended we will not pass it, it will be lost. This has been around for quite a while and I say we should pass the bill as written. As far as canons of ethics on magistrates, the Supreme Court has the power to put them under the canon of ethics if they so desire. The Supreme Court's jurisdiction over the canons of ethics, not over an ethical bill but the canons of ethics, is exclusive.

Senator NOLAN. Mr. President, under the Constitution of Pennsylvania it already says that the justice of peace shall be covered by the canon of ethics, the same as the judges and shall devote full time to their duties.

This bill before us, House Bill No. 872, says that they shall not be covered by the canon of ethics. My amendments back up the Constitution of this Commonwealth and say they shall be.

Senator HAGER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

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

Senator NOLAN. I will, Mr. President.

Senator HAGER. Mr. President, turning to page 18 of the bill in its present Printer's No. 3700 and referring to lines 22 through 24, it provides that, "... there shall be no costs imposed if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions."

Does the gentleman, Mr. President, intend to put costs of prosecution on police officers by removing this from the bill?

Senator NOLAN. No, Mr. President, I am not. I am saying that in a case where the police officer is the prosecutor and a witness there shall be no cost imposed.

Senator HAGER. Mr. President, I thank the gentleman and ask that we be at ease for just a moment.

Senator NOLAN. Mr. President, the police officer is already being paid by the community which hires him. Therefore, he should not impose any costs.

And the question recurring,

Will the Senate agree to the amendments?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of

the Constitution and were as follows, viz:

YEAS—22

Andrews,	Hager,	Lynch,	Ross,
Arlene,	Hankins,	Moore,	Smith,
Dougherty,	Hess,	Murray,	Snyder,
Dwyer,	Holl,	Nolan,	Stapleton,
Fumo,	Howard,	Orlando,	Tilghman,
Gurzenda,	Kusse,		

NAYS—25

Bell,	Jubelirer,	McKinney,	Romanelli,
Coppersmith,	Kelley,	Mellow,	Scanlon,
Corman,	Kury,	Messinger,	Schaefer,
Duffield,	Lewis,	Noszka,	Stout,
Early,	Manbeck,	O'Pake,	Sweeney,
Gekas,	McCormack,	Reibman,	Zemprelli,
Hopper,			

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator NOLAN. Mr. President, I do not believe the Senators understood these amendments. The amendments which I offered simply said if a person is not convicted, he cannot be charged costs. Under the bill in its present form, a person can still be assessed for the costs even if he is not convicted.

MOTION TO RECONSIDER AMENDMENTS

Senator NOLAN. Mr. President, at this time I move to reconsider the vote by which the amendments failed.

The PRESIDENT. It has been moved by Senator Nolan that the Senate proceed to reconsider the vote by which the amendments failed.

On the question,

Will the Senate agree to the motion?

Senator COPPERSMITH. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

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

Senator NOLAN. I will, Mr. President.

Senator COPPERSMITH. Mr. President, is it correct that this bill does not relate to full-time justices of the peace but only on the question of the costs; these amendments have nothing to do with the justices of the peace being full time?

I am sorry, Mr. President, I was in error.

Senator NOLAN. Absolutely not, Mr. President.

Mr. President, I move for immediate consideration of the question.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendments?

The PRESIDENT. Is it possible to take this over temporarily

while some of you discuss the amendments with Senator Nolan, perhaps, on the side? We could then proceed to consider some other bills which are agreed to.

Senator NOLAN. Mr. President, I was just informed by some of the Members that they thought they were voting on the second amendment which I submitted. We have not even addressed ourselves to the amendments which would make a justice of the peace full time. Those amendments are not before us at this time.

The PRESIDENT. We now have before us the first amendments. Is there anybody who wishes to discuss those amendments?

Senator SCANLON. Those amendments are agreed to.

The PRESIDENT. Somebody told me that twenty-five minutes ago, Senator, and I was almost blown right out of here.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

The PRESIDENT. Without objection, House Bill No. 872 will go over, as amended.

SB 1524 CALLED UP OUT OF ORDER

SB 1524 (Pr. No. 2137) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

SB 1524 (Pr. No. 2137) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 13, by striking out "AND ATTORNEY FEES"

Amend Sec. 4 (Sec. 12), page 8, lines 4 and 5, by striking out "PLUS ATTORNEYS FEES AND" in line 4 and "COSTS" in line 5

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

HB 232 CALLED UP OUT OF ORDER

HB 232 (Pr. No. 3714) — Without objection, the bill was called up out of order, from page 21 of the Second Consideration Calendar, by Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED

HB 232 (Pr. No. 3714) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCANLON offered the following amendment:

Amend Title, page 1, line 26, by removing the period

after "certificate" and inserting: and further providing for filings and payments.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Title, page 1, line 26, by removing the period after "certificate" and inserting: and further providing for timely mailing of petitions to the Board of Finance and Revenue.

Amend Sec. 2 (Sec. 1103.1), page 2, lines 11 and 12, by striking out "AND PAYMENT"

Amend Sec. 2 (Sec. 1103.1), page 2, line 17, by striking out "REPORT OR PAYMENT OF SUCH TAX" and inserting: petition

Amend Sec. 2 (Sec. 1103.1), page 2, line 18, by striking out "DEPARTMENT" and inserting: board

Amend Sec. 2 (Sec. 1103.1), page 2, line 19, by striking out "PAYMENT" and inserting: petition

Amend Sec. 2 (Sec. 1103.1), page 2, line 22, by striking out "REPORT OR PAYMENT" and inserting: petition

Amend Sec. 2 (Sec. 1103.1), page 2, line 24, by inserting a period after "FILING"

Amend Sec. 2 (Sec. 1103.1), page 2, line 24, by striking out "AND PAYMENT."

Amend Sec. 2 (Sec. 1103.2), page 2, line 26, by striking out "RETURNS" and inserting: Petitions

Amend Sec. 2 (Sec. 1103.2), page 2, line 27, by inserting after "PETITION": with the Board of Finance and Revenue

Amend Sec. 3, page 3, line 5, by striking out "immediately" and inserting: January 1, 1979 and Revenue

Amend Sec. 3, page 3, line 5, by striking out "immediately" and inserting: January 1, 1979

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

HB 1980 CALLED UP OUT OF ORDER

HB 1980 (Pr. No. 3687) — Without objection, the bill was called up out of order, from page 24 of the Second Consideration Calendar, by Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED

HB 1980 (Pr. No. 3687) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

COPPERSMITH AMENDMENTS

Senator COPPERSMITH offered the following amendments:

Amend Sec. 1 (Sec. 504), page 9, lines 20 through 26, by striking out all of said lines and inserting:

(d) Reduction of rates.—Upon the effective date of this act, and continuing until such time as the Insurance Commissioner shall make a determination pursuant to the act of June 11, 1947 (P. L. 538, No. 246), known as "The Casualty and Surety Rate Regulatory Act" of the adequacy of rates being charged for the amended basic loss benefits, but not in excess of twelve months, the rate applicable for basic loss benefits insurance shall be reduced ten percent (10%).

Amend Sec. 2, page 9, line 27, by striking out "60" and inserting: 90

On the question,

Will the Senate agree to the amendments?

Senator KURY. Mr. President, I desire to interrogate the gentleman from Cambria, Senator CopperSmith.

The PRESIDENT. Will the gentleman from Cambria, Senator CopperSmith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator KURY. Mr. President, would the gentleman please explain his amendments?

The PRESIDENT. Senator CopperSmith, will you please address some attention to the amendments?

Senator COPPERSMITH. Mr. President, these amendments mandate a ten per cent reduction in the rates on the basic coverage, the PIP.

Senator KURY. Mr. President, is that the extent of the amendments?

Senator COPPERSMITH. Yes, Mr. President.

The PRESIDENT. Senator CopperSmith, would you be kind enough to again explain the amendments? The microphone was not up very loud. As a matter of fact, I do not believe that is a very effective microphone.

Senator COPPERSMITH. Mr. President, these amendments mandate a ten per cent reduction in the insurance rates for the basic coverage dealing with no-fault.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

MELLOW AMENDMENT

Senator MELLOW offered the following amendment:

Amend Sec. 1 (Sec. 105), page 2, by inserting between lines 27 and 28:

(2.1) The plan shall afford a credit from the otherwise applicable rates for any private passenger non-fleet risk insured in such plan which at the conclusion

of a one year or longer assignment to the plan has no assignable points as set forth in the approved rules of the plan. The credit shall be such that the rates charged shall be equal to the standard rate filed by the assigned carrier which would be applicable to a similar risk not in the plan. The policyholder shall have the right to renew coverage in the plan through an agent or broker of such policyholder's choice.

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, this amendment deals with the assigned risk plan and credits which are established with assigned risk based on a driving record for a certain number of years. It is not an amendment which has been agreed upon by each caucus and I will accept a voice vote.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

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

HESS AMENDMENTS I

Senator HESS offered the following amendments:

Amend Sec. 1, page 1, line 16, by inserting after "202,": subsection (a) of section 207,

Amend Bill, page 6, by inserting between lines 18 and 19:

§ 207. Added loss benefits.

(a) Mandatory offering.—Obligors providing security for the payment of basic loss benefits shall offer or obligate themselves to provide added loss benefits for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including:

(1) loss excluded from basic loss benefits by limits on allowable expense, work loss, replacement services loss, and survivor's loss;

(2) benefits for damage to property;

(3) benefits for loss of use of a motor vehicle;

(4) benefits for expense for remedial religious treatment and care;

(5) for physical damage to a motor vehicle, a coverage for all collision and upset damage, subject to an optional deductible; and

(6) for economic detriment, a coverage for work loss sustained by a victim in excess of limitations on basic loss benefits for work loss.]

(a) Mandatory offering.—Obligors providing security for the payment of basic loss benefits shall offer or obligate themselves to provide added loss benefits for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including:

(1) increased limits on work loss, replacement services loss, and survivor's loss and increased limits up to at least two hundred fifty thousand dollars (\$250,000) in regular increments on allowable expense;

(2) increased limits on bodily injury and property damage liability;

- (3) loss of use of a motor vehicle;
 (4) coverage for expense for remedial religious treatment and care; and
 (5) for physical damage to a motor vehicle, a coverage for all collision and upset damage and comprehensive material damage, subject to an optional deductible.

* * *

On the question,

Will the Senate agree to the amendments?

Senator HESS. Mr. President, the gentleman from Northumberland, Senator Kury, wanted to know what the amendments do. We discussed it in committee and the gentleman from Cambria, Senator Coppersmith, had mentioned in caucus, they merely state that since we now have a cap of \$100,000, the company must offer an additional \$250,000 of coverage as they do in other categories. That is all the amendments do. They can offer \$1 million or \$2 million if they wish, but this minimum must be offered.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

HESS AMENDMENTS II

Senator HESS offered the following amendments:

Amend Title, page 1, line 10, by inserting after "and": for temporary suspension of security requirements under certain circumstances,

Amend Bill, page 1, by inserting between lines 14 and 15:

Section 1. Section 104, act of July 19, 1974 (P. L. 489, No. 176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act," is amended by adding a subsection to read:

§ 104. Required motor vehicle insurance.

(a.1) An owner of a motor vehicle, other than a motorcycle, who has provided security in accordance with the provisions of subsection (a) and who has one or more vehicles not in use for periods of time in excess of sixty consecutive calendar days, may obtain from his insurer an agreement to the policy of insurance suspending temporarily all coverages provided therein with the exception of personal injury protection, in whole or in part, for the duration of time such vehicle may not be in use. In all such cases, an owner of such a motor vehicle shall not be required to surrender the registration certificate and license plates to the department as provided in subsection (d). The commissioner shall promulgate reasonable and necessary rules and regulations governing such agreements between an owner and his insurer including provisions for an equitable reduction from the annual policy premium of the insurer.

* * *

Amend Sec. 1, page 1, line 15, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, lines 17 and 18, by striking out "act of July 19, 1974 (P. L. 489, No. 176), known as the "Pennsylvania No-fault Motor Vehicle Insurance Act,"" and inserting: of the act

Amend Sec. 2, page 9, line 27, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

Senator HESS. Mr. President, the problem has arisen where you have construction equipment, farm equipment and particularly municipal equipment where taxpayers' dollars are involved. This equipment is not used all year round.

These amendments say, if any equipment within those classifications is not used for a period of over sixty days, this can be written into the insurance contract. The rules and regulations would be established by the Insurance Commissioner and the individual would not have to send in tags. The municipality would not have to send in tags. The municipality would not have to send in all the tags and ownership cards and then, when they decide to put them back on the road again, write to the department and bring them all back. This would apply to municipalities and special classes of equipment such as used in construction and agriculture.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

EARLY AMENDMENTS

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

Amend Title, page 1, line 9, by inserting after "penalties," "": authorizing certain persons to treat their no-fault insurance as primary;

Amend Sec. 1, page 1, line 16, by inserting after "section 202," subsection (d) of section 203,

Amend Sec. 1, page 1, line 18, by inserting after "amended": or added

Amend Bill, page 6, by inserting between lines 18 and 19:

§ 203. Collateral benefits.

(d) An owner or operator of a motor vehicle who is insured under a medicare or other program designed for retired persons may elect to have his no-fault insurance be primary.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

HB 2145 CALLED UP OUT OF ORDER

HB 2145 (Pr. No. 3808) — Without objection, the bill was called up out of order, from page 25 of the Second Consideration Calendar, by Senator SCANLON.

BILL OVER IN ORDER TEMPORARILY

HB 2145 (Pr. No. 3808) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

AMENDMENTS OFFERED

Senator STAPLETON offered the following amendments:

Amend Sec. 3, page 3, lines 12 and 13, by striking out all of said lines

Amend Sec. 3, page 3, by inserting between lines 26 and 27:

"Governing body." The governing body of a local government.

"Local government unit." Any city, borough, township and town.

Amend Sec. 3, page 3, line 27, by striking out "county" and inserting: local government

Amend Sec. 4, page 4, line 5, by striking out "county commissioners of any county" and inserting: governing body of any local government

Amend Sec. 4, page 4, line 8, by striking out "county and one county commissioner," and inserting: unit of local government and one member of the governing body of such local government,

Amend Sec. 4, page 4, line 10, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 13, by striking out "county commissioners." and inserting: governing body.

Amend Sec. 4, page 4, line 14, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 17, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 24, by striking out "county" and inserting: local government unit

Amend Sec. 5, page 4, line 27, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 4, line 28, by striking out "county," and inserting: local government unit,

Amend Sec. 5, page 5, lines 3 and 4, by striking out "county commissioners of the county" and inserting: governing body of the local government unit

Amend Sec. 5, page 5, line 7, by striking out "county," and inserting: local government unit,

Amend Sec. 5, page 5, line 8, by striking out "commissioners of all counties" and inserting: the governing bodies of all local government units

Amend Sec. 5, page 5, lines 9 and 10, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 5, line 16, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 5, line 19, by striking out "recorder of deeds office." and inserting: office of the local government unit.

Amend Sec. 5, page 5, line 27, by striking out all of said line and inserting: governing body.

Amend Sec. 5, page 5, line 29, by striking out "recorder of deeds," and inserting: governing body and

Amend Sec. 5, page 5, lines 29 and 30, by striking out "and the clerk of the county commissioners"

Amend Sec. 5, page 6, line 8, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 12, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 15, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 17, by striking out "county's" and inserting: local government's

Amend Sec. 5, page 6, lines 18 and 19, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 22, by striking out "county commissioners" and inserting: governing body

Amend Sec. 6, page 6, line 25, by striking out "county commissioners," and inserting: governing body,

Amend Sec. 7, page 8, line 4, by striking out "County" and inserting: Local government unit

Amend Sec. 7, by inserting between lines 4 and 5:

(5) The county's comprehensive plan.

Amend Sec. 7, page 8, line 5, by striking out "(5)" and inserting: (6)

Amend Sec. 8, page 9, lines 4 and 5, by striking out "county commissioners.—The county commissioners," and inserting: governing body.—The governing body,

Amend Sec. 8, page 9, line 11, by striking out "county commissioners" and inserting: governing body

Amend Sec. 8, page 9, line 16, by striking out "county commissioners." and inserting: governing body.

Amend Sec. 8, page 9, line 19, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 22, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 25, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 26, by inserting after "commission": , the county planning commission

Amend Sec. 9, page 10, line 5, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 10, line 6, by inserting after "commission": , the county planning commission

Amend Sec. 9, page 10, line 11, by striking out "county commissioners do" and inserting: governing body does

Amend Sec. 10, page 10, line 16, by striking out "county commissioners" and inserting: governing body

Amend Sec. 13, page 12, line 13, by striking out "the county and"

Amend Sec. 13, page 12, lines 19 and 20, by striking out "counties and"

On the question,

Will the Senate agree to the amendments?

RECONSIDERATION OF MOTION

Senator SCANLON. Mr. President, I wish to reconsider the motion to call up House Bill No. 2145 out of order. I request that we go over the bill temporarily.

AMENDMENTS WITHDRAWN

Senator STAPLETON. Mr. President, I withdraw my amendments at this time.

The PRESIDENT. Without objection, the bill will go over temporarily.

PERSONAL PRIVILEGE

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

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

Senator MANBECK. Mr. President, House Bill No. 2145 was called up for amendment and it was indicated that that bill had been discussed in the other caucus and the amendment agreed to. My privilege is to make a statement.

The PRESIDENT. Senator Stapleton has withdrawn those amendments. We will consider the bill later on in the normal course of business.

Let me once again make a point of what I have been trying to do. Rather than wait until 2:00 o'clock in the morning to get amendments to these bills, I am trying to help the staff get all the bills that are to be amended out of here so they can get to work on them.

Senator MANBECK. Thank you, Mr. President. I am not trying to be arbitrary but I represent practically all farming communities and this bill is something that is very vital to the farming community. It was indicated that because I and several of the other Senators objected to the bill it was going to go on the table and be dead for the Session. In that event I would get hell from the Grange and the farming lobbyists. I want it fully understood that I am sent here by the people of the Forty-eighth Senatorial District to vote for their best interest. Let me tell my colleagues that I object to those statements and I would like to be informed when my leadership tells me that the bill has been agreed to and discussed.

HB 2506 CALLED UP OUT OF ORDER

HB 2506 (Pr. No. 3716) — Without objection, the bill was called up out of order, from page 26 of the Second Consideration Calendar, by Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED

HB 2506 (Pr. No. 3716) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 14), page 5, line 12, by striking out "ON THE ENTIRE AMOUNT OF THE LOAN"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 648 (Pr. No. 716) — 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,	Hankins,	McKinney,	Scanlon,
Arlene,	Hess,	Mellow,	Schaefer,
Coppersmith,	Holl,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Nolan,	Stauffer,
Dwyer,	Kelley,	Noszka,	Stout,
Early,	Kury,	O'Pake,	Sweeney,
Fumo,	Kusse,	Orlando,	Tilghman,
Gekas,	Lewis,	Reibman,	Wood,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,
Hager,	McCormack,	Ross,	

NAYS—2

Bell, 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.

BILLS OVER IN ORDER

HB 885, SB 889, 890 and 891 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 956 (Pr. No. 1105) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER

HB 1115 and **SB 1156** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1171 (Pr. No. 3682) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 3, lines 17 and 18, by striking out "(A) AND"

Amend Sec. 1 (Sec. 3525), page 138, lines 17 through 23, by striking out all of said lines and inserting: * * *

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, the amendments would require motorcycle operators, regardless of age, to use helmets. It would not be optional as now provided in the Code.

Senator LYNCH. Mr. President, I rise in opposition to the amendments. The Committee on Transportation adopted an amendment that would make it mandatory for anyone under the age of eighteen years to wear helmets but it would be optional for anyone over the age of eighteen years.

Mr. President, I ask all my colleagues to vote in favor of the option.

Senator DWYER. Mr. President, I also oppose the amendments. I know of many motorcyclists who regard the wearing of a helmet as an impediment to safety because a helmet restricts the sounds coming from behind a motorcyclist. They feel it is safer without a helmet because they can hear the sound of vehicles approaching from behind. I believe it should be a matter of choice whether a motorcyclist feels that a helmet provides him safety or impedes his safety and he prefers to go without a helmet. I would ask for a roll call vote.

Senator NOLAN. Mr. President, a member of our family was on the way back to Slippery Rock where he was a student riding a motorcycle on the Turnpike. Fortunately, at that time, as it does at the present time, the wearing of helmets was required. He had a helmet on. It was raining. The bike slipped from under him. He hit the divider in the middle of the road. It split his helmet in half but he received no more injury than to be shaken up. Had he not had a helmet on, his head would have been split open, he would not be here today. Therefore, I ask my colleagues to vote for the helmets.

And the question recurring,

Will the Senate agree to the amendments?

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

Senator FUMO. Mr. President, I was voting under a misapprehension and I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator ORLANDO. 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 required by Senator DWYER and were as follows, viz:

YEAS—26

Arlene,	Howard,	Nolan,	Snyder,
Coppersmith,	Jubelirer,	Noszka,	Stapleton,
Corman,	Kelley,	Orlando,	Stout,
Dougherty,	Kury,	Romanelli,	Sweeney,
Early,	McKinney,	Ross,	Tilghman,
Gekas,	Mellow,	Scanlon,	Zemprelli,
Hess,	Murray,		

NAYS—21

Andrews,	Hager,	Lewis,	Moore,
Bell,	Hankins,	Lynch,	O'Pake,
Duffield,	Holl,	Manbeck,	Reibman,
Dwyer,	Hopper,	McCormack,	Smith,
Fumo,	Kusse,	Messinger,	Stauffer,
Guorzenda,			

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

On the question,

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

AMENDMENTS OFFERED

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

Amend Sec. 1, page 3, line 20, by inserting after "4524,"; 4525(c),

Amend Bill, page 152, by inserting between lines 12 and 13:

§ 4525. Tire equipment and traction surfaces.

(c) Tire studs.—No vehicle having tires containing studs shall be driven on any highway, except by a person 65 years of age or older.

* * *

On the question,

Will the Senate agree to the amendments?

Senator SCHAEFER. Mr. President, the purpose of these amendments is to permit the use of studded tires by people who are over sixty-five years of age.

Senator LYNCH. Mr. President, I do not know whether he said over sixty-five miles an hour or sixty-five years of age but I rise to oppose the amendments.

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Schaefer.

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

Senator SCHAEFER. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman; since my father is over sixty-five and I am not, if I am driving my father's car and he has studded snow tires, would

that be in violation of the law and contrary to it, if my father is driving my car with studs; is that or is that not a violation of the law under these proposed amendments?

Senator SCHAEFER. Mr. President, I hate to answer a question with a question but I am not sure that I understand it. Is the gentleman saying the car is owned by his father?

Senator ANDREWS. Mr. President, if the car is owned by my father and I am driving it and it has studded snow tires, is that in violation of the law under the wording of these amendments?

Senator SCHAEFER. I would say no, Mr. President.

Senator ANDREWS. Mr. President, I am not sixty-five and if I have studs on my car and my father is driving it, is that then a violation of the law?

The question I have has to do more with the technical wording of the language than the philosophical implications.

The PRESIDENT. Senator Andrews, do you have further questions?

Senator ANDREWS. Mr. President, I have not heard an answer.

The PRESIDENT. What was the question again, Senator?

Senator SCHAEFFER. Mr. President, the amendments, as presently drafted, would permit a person over sixty-five years of age to drive a vehicle with studded tires. The amendments do not address themselves to the ownership of the vehicle.

Senator ANDREWS. Mr. President, that would mean then that if my father had studded snow tires on his car no one under sixty-five would be permitted to drive it.

Senator SCHAEFER. That is correct, Mr. President.

Senator ANDREWS. Mr. President, I would urge my colleagues to reject these amendments for that very reason. If a senior citizen wants to loan his car or her car to his son or daughter to go to the store for him in bad weather because he does not wish to drive in that weather, the son or daughter could not drive the car.

I believe it is an ill-conceived way of doing what the gentleman from Allegheny, Senator Schaefer, is trying to do and I would urge rejection of these amendments.

AMENDMENTS WITHDRAWN

Senator SCHAEFER. Mr. President, in the interest of Senatorial efficiency and moving things along, I withdraw the amendments.

RECONSIDERATION OF ZEMPRELLI AMENDMENTS

Senator McCORMACK. Mr. President, I move to reconsider the vote by which the amendments offered by Senator Zemprelli were agreed to.

On the question,

Will the Senate agree to the motion?

Senator McCORMACK. Mr. President, although in committee I voted to support the Zemprelli amendments I voted against them this time because I feel if we adopt these amendments, we are, in effect, killing the Vehicle Code.

Mr. President, I ask the Members to consider that fact in voting on this reconsideration.

Senator MANBECK. Mr. President, is it possible for me to make a statement concerning the motion?

The PRESIDENT. The only matter at issue is why we would reconsider the vote. The reason enunciated by Senator McCormack is that it would tend to slow down the passage of the Vehicle Code. Do you wish to comment further on that, Senator?

Senator MANBECK. Mr. President, I would like to call to the attention of my colleagues the matter of inspection of the many vehicles that are being used on the highways. The Bureau of Inspection has a great deal of problems with these vehicles and if we do not get this piece of legislation passed during this Session, there may be some very serious consequences for the people who own small trailers and vehicles such as air compressors.

Mr. President, I appeal to my colleagues, for the good of the constituents and the motor vehicle users of the Commonwealth of Pennsylvania, to turn down these amendments.

Senator ZEMPRELLI. Mr. President, if the gentleman will be willing to withdraw his motion to have the vote reconsidered, I would ask the Senate to favorably consider a suspension of the Rules to permit the bill to be voted on, as amended, without being in print.

This, Mr. President, is no great big deal, because the amendments simply delete five lines in the bill and part of the caption on page 3. There is no great editorial conquest to the accomplishment of that feat.

As I alluded in my principal remarks, it would refer to what the present law is so we are simply talking about the deletion of six lines in the bill which would be a revision of the present law.

The PRESIDENT. Senator Zemprelli, the Chair must inform you that our Rules specifically forbid the suspension of the Rules for the purpose of voting on a bill that is not in print.

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, how might we accomplish the purpose of voting the bill without affecting the amendments which have been passed?

The PRESIDENT. Senator, I know of none without reprinting the bill. The Rules of the Senate are very explicit on forbidding the suspension of the Rules for the purpose of considering a bill on final passage that is not in print. It is in the Rules; we passed them and it is very explicit.

You could, Senator, come back next week. There are other avenues. I am not suggesting, however, that you take them. You asked a question and I am giving you an answer.

Senator ZEMPRELLI. Then, Mr. President, I would address myself to the observation of the gentleman from Philadelphia, Senator McCormack, when he said it would kill the bill.

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

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, as a Member of this Body—

The PRESIDENT. Let me make a comment, Senator, before you proceed.

It is the opinion of the staff that if this bill went out to be reprinted as amended, it could not be ready for a vote within twenty-four hours.

Senator ZEMPRELLI. Mr. President, I agree with that. However, may I address myself to what has happened here in the past. Certainly this situation is tailored to an accommodation of the same request and that is that we have often—maybe not often, but at least on one or two occasions that I know of—agreed to reprint the page rather than the entire bill. These amendments constitute a deletion, not an addition to the bill. There would be two pages involved, the addition of the word “and” on one page and the deletion of six lines on another page.

The PRESIDENT. The only point I can make, Senator—and there is no way for me to guess—is that we would certainly make every effort to do our best. But, under the circumstances, I am obliged to suggest that it probably could not be done in twenty-four hours. Perhaps it could be, Senator, I do not know.

Senator SMITH. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator SMITH. Mr. President, perhaps we could accommodate the gentleman from Allegheny, Senator Zemprelli. Would the Senator be satisfied if we agreed to insert the amendments into the bill in a Committee of Conference?

Senator ZEMPRELLI. Mr. President, I have no problem with that commitment, but that is the same commitment I had before which makes me present the amendments on the floor of the Senate. If the second commitment is the same as the first, it is not worth a whole lot, Mr. President.

Senator STAUFFER. Mr. President, I feel it is important for the Members to recognize that there are a number of provisions presently in the Motor Vehicle Code which are not being enforced—inspection of Mopeds and any number of items like that which the Department, through an agreement of the Attorney General, has not been enforcing—pending the passage of a revision of the Motor Vehicle Code. If we do not pass the revision, there will be no alternative but to enforce these various provisions which will effect a great deal of confusion and chaos among the people of the Commonwealth.

As the President has so well pointed out, to have this bill reprinted will mean that we cannot consider it until we come back after the election at which time, it is my judgment, we will be in Session for such a short time that it will not be possible for the Senate to consider the bill, send it to the House where it probably will be nonconcurrent in and form a Committee of Conference to resolve the differences between the two Bodies. The hope was that during this recess for the election the Committee of Conference could be meeting and have sufficient time to resolve the differences so that in the short period after election and before the Session ends we could finally vote the bill and solve this very massive problem. That is the real nature of

the problem which exists before us this evening.

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, is there anything in the Rules which states we cannot reprint just these two pages?

The PRESIDENT. There is not, Senator.

Senator NOLAN. In other words, Mr. President, if we see fit as a Body we could have the two pages reprinted?

The PRESIDENT. Senator, I am only trying to be informative. Yes, you could. However, I must point this out. It is the opinion of the Secretary and the printer with whom we have consulted that we could not have a sufficient number of copies prepared for both the House and the Senate short of two days, regardless of what we did. I am only transmitting to you the opinion of the people who have to do it.

Senator NOLAN. Mr. President, how can we get the bills reprinted in less than two days with the amendments that were agreed upon and pushed through here tonight?

The PRESIDENT. Senator, simply because they are not part of a bill that has approximately 230 pages.

Senator NOLAN. Mr. President, I just asked the question: Could we have just the two pages reprinted. The Chair stated there is nothing to stop us from doing that.

The PRESIDENT. Nothing that I know of, Senator.

Senator NOLAN. You know, Mr. President, I do not buy the argument on this floor that this bill must be passed right now. It can very well be passed after election. I think we should address ourselves to the proper amendments needed in this bill. We did address ourselves to the amendments and they passed. I feel we should keep the amendments in the bill.

Senator HOLL. Mr. President, I would like the record to show that I voted “no” on the Zemprelli amendments because I did not want to destroy the Motor Vehicle Code, realizing the time limitations. If this is not the case, then I believe the amendments should be reconsidered to give us a chance to properly vote on the issue.

Senator MELLOW. Mr. President, I voted in support of the amendments of the gentleman from Allegheny, Senator Zemprelli, because I feel the same as he does. These amendments should be included in the bill and the helmets should be mandatory. I have been given the assurance by the Chairman of the Committee on Transportation that he will do everything he possibly can to incorporate these amendments into the Vehicle Code in the Committee of Conference.

With that in mind, I would concur with the gentleman from Montgomery, Senator Holl, and ask that the amendments be reconsidered so that I may be able to change my vote.

Senator KUSSE. Mr. President, it would seem to me that there might be one solution. Since the Majority seems to favor the helmet amendments I would hope that the gentleman from Allegheny, Senator Zemprelli, would agree to withdraw his amendments at this time. If those amendments are not inserted in the Committee of Conference, there is nothing to prevent

him from amending the law after January in the next Session. We could be optimistic that the Majority would favor the amendments.

Senator ZEMPRELLI. Mr. President, I do not feel it is within my province to individually withdraw anything at this point and I am sure the Chair would rule accordingly. I would have no objection to that if it were within my province to do it.

However, I have been so clearly and clairvoyantly advised that there is no question that this committee would not consider it. The gentleman from Philadelphia, Senator Lynch, has told me that on several occasions. As a matter of fact, I had high hopes that it would have been part of the bill. So, I do not have any real confidence that the people who will be a part of this Committee of Conference will honor that request.

Short of that, Mr. President, I have no other position except to stand on what I consider to be a strong legislative position on a bill which merits a lot of attention.

Senator LYNCH. Mr. President, I cannot guarantee the gentleman anything with reference to a Committee of Conference because I have no control over the House Members. I do not want to stand here and lie to the gentleman, but the amendments will definitely be offered in the Committee of Conference. I have no control over what they will do.

Senator COPPERSMITH. Mr. President, it is possible that this bill could be concurred in by the House. That is the first possibility. If it is not concurred in by the House you must have a Conference Committee and even though the mechanical steps have not been taken the Chair could indicate who the members of the Conference Committee are. The Speaker could do the same in the House and they could be meeting informally over the recess.

Normally, Mr. President, I would go along as a matter of course with reconsideration motions but I believe this is the wrong procedure at this time. I intend to vote against it because I am quite concerned. Unless we keep the amendments of the gentleman from Allegheny, Senator Zemprelli, in this bill, we will not have a helmet law.

PARLIAMENTARY INQUIRY

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

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

Senator BELL. Mr. President, I ask the Chair how we can stop the debate and start voting.

The PRESIDENT. Move the previous question, Senator.

Senator BELL. Mr. President, I move the previous question.

Senator MESSINGER. Mr. President, there is no guarantee if we put the amendments in and the bill goes to a Conference Committee that the Conference Committee will keep it in either but we can reject the report of the Conference Committee.

The PRESIDENT. The question before the Senate is, will the Senate agree to the motion to reconsider the vote?

All those voting "aye" vote in favor of the reconsideration of the vote, those voting "no" vote against the reconsideration of the vote.

(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.

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

YEAS—30

Andrews,	Hager,	Kusse,	Moore,
Arlene,	Hankins,	Lewis,	Murray,
Bell,	Hess,	Lynch,	O'Pake,
Corman,	Holl,	Manbeck,	Smith,
Duffield,	Hopper,	McCormack,	Stauffer,
Dwyer,	Howard,	Mellow,	Stout,
Fumo,	Jubelirer,	Messinger,	Sweeney,
Gurzenda,	Kelley,		

NAYS—18

Coppersmith,	McKinney,	Romanelli,	Snyder,
Dougherty,	Nolan,	Ross,	Stapleton,
Early,	Noszka,	Scanlon,	Tilghman,
Gekas,	Orlando,	Schaefer,	Zemprelli,
Kury,	Reibman,		

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

And the question recurring,

Will the Senate agree to the amendments introduced by Senator Zemprelli?

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

YEAS—19

Coppersmith,	Jubelirer,	Noszka,	Stout,
Dougherty,	Kelley,	Orlando,	Sweeney,
Early,	Kury,	Scanlon,	Tilghman,
Gekas,	McKinney,	Snyder,	Zemprelli,
Howard,	Nolan,	Stapleton,	

NAYS—28

Andrews,	Gurzenda,	Lewis,	Murray,
Arlene,	Hager,	Lynch,	O'Pake,
Bell,	Hankins,	Manbeck,	Reibman,
Corman,	Hess,	McCormack,	Ross,
Duffield,	Holl,	Mellow,	Schaefer,
Dwyer,	Hopper,	Messinger,	Smith,
Fumo,	Kusse,	Moore,	Stauffer,

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

And the question recurring,

Will the Senate agree to the bill on the third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

YEAS—37

Arlene,	Hankins,	Lynch,	Orlando,
Bell,	Holl,	Manbeck,	Reibman,
Corman,	Hopper,	McCormack,	Ross,
Dougherty,	Howard,	McKinney,	Schaefer,
Duffield,	Jubelirer,	Mellow,	Smith,
Dwyer,	Kelley,	Messinger,	Stapleton,
Fumo,	Kury,	Moore,	Stauffer,
Gekas,	Kusse,	Murray,	Sweeney,
Guizenda,	Lewis,	O'Pake,	Zemprelli,
Hager,			

NAYS—9

Andrews,	Hess,	Noszka,	Stout,
Coppersmith,	Nolan,	Snyder,	Tilghman,
Early,			

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

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

BILL OVER IN ORDER

SB 1350 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1539 (Pr. No. 1985) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 1592 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1608 (Pr. No. 2093) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1630 (Pr. No. 2140) — 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—48

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

NAYS—1

Kelley,

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

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

BILLS OVER IN ORDER

HB 1698 and 1714 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1762 (Pr. No. 3685) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1824 (Pr. No. 3666) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Clerk return said bill to the House of Rep-

resentatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1859 (Pr. No. 2267) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1949 (Pr. No. 2411) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2027 (Pr. No. 3280) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, for no reason of my own, I had to leave the floor while the vote was being taken on House Bill No. 1171. Had I been in my seat I would have voted in the affirmative.

The PRESIDENT. The record will so state, Senator.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2067 (Pr. No. 2863) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2091 (Pr. No. 2641) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2092 (Pr. No. 2642) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

A constitutional majority of 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 2099 (Pr. No. 3802) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2185 (Pr. No. 2786) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Clerk return said bill to the House of Rep-

resentatives with information that the Senate has passed the same without amendments.

HB 2214 (Pr. No. 2821) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2218 (Pr. No. 2825) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 2219 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2223 (Pr. No. 2830) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2224 (Pr. No. 2831) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Clerk return said bill to the House of Rep-

resentatives with information that the Senate has passed the same without amendments.

HB 2225 (Pr. No. 2832) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2227 (Pr. No. 2834) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2228 (Pr. No. 2835) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2229 (Pr. No. 2836) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2231 (Pr. No. 2838) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2232 (Pr. No. 2839) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2233 (Pr. No. 2840) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2234 (Pr. No. 2841) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2235 (Pr. No. 2842) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrews,	Hankins,	McCormack,	Ross,
Arlene,	Hess,	McKinney,	Scanlon,
Bell,	Holl,	Mellow,	Schaefer,

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

NAYS—0

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

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

HB 2236 (Pr. No. 2843) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2237 (Pr. No. 2844) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

Dwyer, Early, Fumo, Gekas, Gurzenda, Hager,	Kury, Kusse, Lewis, Lynch, Manbeck,	Noszka, O'Pake, Orlando, Reibman, Romanelli,	Stout, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

HB 2238 (Pr. No. 2845) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck,	McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

HB 2239 (Pr. No. 2846) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck,	McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

HB 2305 (Pr. No. 2939) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fumo, Gekas, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck,	McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—0

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

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

STATEMENT BY THE MAJORITY WHIP

Senator SCANLON. Mr. President, while the Chair is having a drink of water the thought has just occurred to me that you are about to leave public life after many, many years. You are a natural to replace that commercial on the old tobacco auctioneer.

I was just about to say, "Sold, American," when you got through the last bill.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 2314 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2339 (Pr. No. 3744) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2340 (Pr. No. 3745) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

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

HB 2341 (Pr. No. 3746) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

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

HB 2342 (Pr. No. 3747) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the

same with amendments in which concurrence of the House is requested.

HB 2344 (Pr. No. 3748) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 2345 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2346 (Pr. No. 3750) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

Gekas,	Lynch,	Reibman,	Wood,
Gurzenda,	Manbeck,	Romanelli,	Zemprelli,
Hager,			

NAYS—0

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

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

HB 2347 (Pr. No. 3751) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—3

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

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

HB 2348 (Pr. No. 3752) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

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

NAYS—0

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

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

HB 2349 (Pr. No. 3753) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2350 (Pr. No. 3754) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2351 (Pr. No. 3755) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2352 (Pr. No. 3756) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2353 (Pr. No. 3757) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2354 (Pr. No. 3758) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 2355 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2356 (Pr. No. 3760) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Clerk return said bill to the House of Rep-

representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2357 (Pr. No. 3761) — Considered the third time and agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2358 (Pr. No. 3762) — Considered the third time and agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

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

HB 2359 (Pr. No. 3763) — Considered the third time and agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

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

HB 2360 (Pr. No. 3764) — Considered the third time and agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

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

NAYS—0

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

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

HB 2369 (Pr. No. 3703) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 2392 (Pr. No. 3254) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator ANDREWS. Mr. President, I would like to call to the attention of the Members that we are now past the bills which were relatively noncontroversial and routine. We are now considering the mortgage revision bills on which some people have demonstrated different interests. I personally am going to vote in favor of the bills and would urge others to do the same.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—2

Snyder, Stauffer,

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 2393 (Pr. No. 3255) — 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,	Manbeck,	Romanelli,
Arlene,	Hankins,	McCormack,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Coppersmith,	Holl,	Mellow,	Schaefer,
Corman,	Hopper,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Stapleton,
Duffield,	Jubelirer,	Murray,	Stout,
Dwyer,	Kelley,	Nolan,	Sweeney,
Early,	Kury,	Noszka,	Tilghman,
Fumo,	Kusse,	O'Pake,	Wood,
Gekas,	Lewis,	Orlando,	Zemprelli,
Guزندا,	Lynch,	Reibman,	

NAYS—2

Snyder, Stauffer,

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.

BILLS OVER IN ORDER

HB 2397, 2398 and 2399 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

**BILL ON THIRD CONSIDERATION REVERTED TO
PRIOR PRINTER'S NUMBER AND FINAL PASSAGE**

HB 2437 (Pr. No. 3791) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator SCANLON. Mr. President, I move that House Bill No. 2437 revert to the form it was in under Printer's No. 3664.

On the question,

Will the Senate agree to the motion?

Senator HAGER. Mr. President, I would urge that the Senate revert to the prior printer's number.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. The Senate now has before it House Bill No. 2437, Printer's No. 3664.

On the question,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

Senator HAGER. Mr. President, I recognize the urgency which moves us to pass this bill in its present form. I think we are making some serious errors in doing so, however. I realize there is unsubstantial support for the amendments which we were to offer which were taken from a bill prepared with a lot of effort by the staff of the Minority. Just so everyone understands the kind of problems we foresee because the passage of this bill will, I feel, create some serious problems, I believe the Members of the Senate should know that New York State presently has \$6.5 billion in their budget to take care of lawsuits against the State. This one item is larger than our entire State budget for one year. This money is there for claims of the nature which will be available against this Commonwealth when this bill, which we are considering, becomes law. There are already, in two months, between \$30 million and \$50 million in lawsuits which have been filed against the Commonwealth of Pennsylvania and they continue apace.

There have been eight categories of suits in this bill which will be allowed. Boy, have we got some dumb ones. For instance, under this bill an habitual drunkard, intoxicated as a result of liquor sold him by a State store employee, could recover for injuries incurred while stumbling out of the State store, but a person suffering serious injury in the store, from exploding bottles or other products liability in the store, could have no right of recovery against the State.

A person could recover for a broken shock absorber resulting from hitting a shovel carelessly left out by a repair crew, but the next motorist who swerves to avoid the first motorist and hits a pothole and suffers permanent disfigurement from a fiery wreck which ensues, could only recover if he had the fore-

sight to notify the Department of Transportation that the pothole existed and allowed them time to fill the pothole before he hit it. They go on. There are all kinds of strange examples created by the law which we are passing tonight in a hurried fashion. As a matter of fact, Bill Nast himself, who, for the Joint State Government Commission, put this thing together says that he cannot justify the eight categories and cannot justify leaving others out.

We offered the possibility to this Senate to pass legislation which says immediately there is no way you could execute against the Commonwealth for past suits which have already been filed in the interim. We think that is the way to handle it. The second thing we did was say that until the people of this State have some idea about the cost, this change of getting rid of sovereign immunity or allowing eight randomly-selected categories while not taking others, which will be created for this State is to block the execution of any judgments against this State.

The bill before us does not do that. The bill attempts to retroactively pass a law outlawing some of those claims except for those which fall into those eight categories. It is pretty obvious from court decisions already before us that the Supreme Court of Pennsylvania is going to throw that out too and we will end up with all of those lawsuits, not just the eight categories, but the others.

The reason I mention that is that there already is a court decision where the court has explicitly stated that a cause of action is a vested right and cannot be extinguished by action of the General Assembly. Therefore, all of those actions—if I can get the attention of the gentleman from Philadelphia, Senator McKinney—which have already been filed, even though we attempt to extinguish them by this bill, it will just not work. The court has already told us that. It is already there in much decisional law.

What we tried to do but could not get any consideration of because of the magic words "Joint State Government Commission" was: Let us hold everything in abeyance—and we could have done it legally, we have the authority for it—and offer the people of this Commonwealth a referendum to say, shall the taxes of this State be increased to cover any or all categories of suits which may be brought by the taxpayers of this State against the Commonwealth.

Now, for some reason or other, the judgment is, no, we should not do that. We should just plunge merrily ahead having absolutely no idea how much money we should budget for this. Mr. President, may I suggest that there is no way we can produce a budget for next year which comes anywhere close to reality except by guess and by God. But, so be it.

I intend to vote for this bill because it is all I have. I have no other opportunities. I think we make very bad law and we make it in haste no matter how wonderful the name Joint State Government Commission.

Senator O'PAKE. Mr. President, the hour is late and I do not want to respond point by point to the observations of the gentleman from Lycoming, Senator Hager. I would like to point out a few things.

Number one, I am not sure I understood him correctly but if I

did, I am astounded to hear the Minority Leader suggest that we should let the citizens of the Commonwealth file suit against the Commonwealth, proceed to judgment and then make that judgment a worthless piece of paper and tell them that we are not going to pay the judgment. That, to me, is incredible. I wonder whether that would hold up in a court of law.

But back to the bill itself, Mr. President, I am not the author of this bill and, frankly, I have some problems with some sections which have been written into the law. However, I am under the impression that the Governor is prepared, when he signs this, to clarify the section which really bothers me. That is the section which governs retroactivity and prospective and what causes of action are barred, namely Section 5. I would like to point out that the Joint State Government Commission, as most of these commissions do, discussed this, considered it very thoroughly, compromised and arrived at eight areas of the law which cover, I would say, ninety-five to ninety-seven per cent of the kinds of causes of action that you could bring against the Commonwealth for negligence of its employees. The Commission decided that those eight categories would be the categories where the Commonwealth would waive its sovereign immunity and permit the citizens of Pennsylvania, who were wronged by the negligence of a Commonwealth employee, to sue and recover. This proposes to require those kinds of suits to be filed but to suspend any action on those until the next fiscal year, namely, July 1, 1979. The reason for that is fairly obvious. We want to give our Department of Justice time to gear up for the onslaught of suits. Parenthetically, I believe it is unfair to compare the financial impact on New York State with Pennsylvania because we have isolated eight categories and we should not compare this law with New York's law, which is entirely different.

Hopefully, by next July the various actuarial and insurance experts will be able to determine what the cost of insurance is to the Commonwealth to those agencies which are not insured and then tell us the fiscal impact of the bill. We need this now, however, because the Department of Justice needs some guidelines to govern them for the next eight months and give them the opportunity to phase into this rather than have it thrust upon them immediately.

This bill, as all bills, is not perfect but it is very badly needed. I was not on the Joint State Government Commission Task Force and I do not know the policy pros and cons that caused that task force to reach these eight categories. Three Members of the Minority were on that task force and three of the Majority and I am sure they can speak to that issue better than I.

Mr. President, I urge this Senate, here and now, to pass this bill, as the House did, with all the compromises, with possible defects which, if they are found to be real, can be corrected and get it to the Governor now.

Senator HAGER. Mr. President, just a few comments on the remarks of the gentleman from Berks, Senator O'Pake.

The gentleman says it is unfair to compare Pennsylvania to New York but in the breath before that, he said that the eight categories which we are opening cover ninety-five to ninety-seven per cent of all the possible ways in which the State could be sued, so I guess it is unfair to compare it. If you think about

ninety-five to ninety-seven per cent of \$6.5 billion in claims I believe the comparison becomes fairly real.

It is true that we already do allow some suits in this State and there is insurance for it. The State pays quite a bit of money in insurance premiums.

Mr. President, we are talking about opening—Pandora's Box is not the word, gentlemen and lady, not the word at all.

I would also like to comment on his suggestion that what I have said is unconscionable that we would say these claims cannot be paid. People would get the idea pretty soon and stop filing suits? How is that unconscionable compared to what the gentleman wants us to do? He wants us to go ahead and let them get the claims and then, retroactively, wipe them out. I do not see how there is a whole lot of difference between those two positions.

There is one example I forgot which I really should mention. For example, if a woman is raped by a mental patient who escaped through the negligence of a Commonwealth employee, she could not recover. However, that same person if bitten by a laboratory animal of the State, could.

Senator JUBELIRER. Mr. President, contrary to what the gentleman from Lycoming, Senator Hager, said, I do not believe this bill was acted upon in haste. I served on that task force, Mr. President, the task force on sovereign immunity for two years. A great deal of testimony was taken from experts all over Pennsylvania and from without the State; from judges and from those who are knowledgeable on the subject of sovereign immunity.

Mr. President, I do believe we have come up with a piece of legislation that may not be perfect, indeed, but it is a beginning. I believe when the Pennsylvania Supreme Court abolished the doctrine of sovereign immunity certainly, the timing of this task force could not have been better, perhaps only a few months earlier.

I do believe this is a piece of legislation that is urgent for us to pass or, as the gentleman from Lycoming, Senator Hager, said, it leaves us with nothing.

I would also like to point out, Mr. President, that in the past, when we had the doctrine of sovereign immunity, the Commonwealth of Pennsylvania did indeed purchase insurance for its employees because of the fact that, when you could not sue the State, you sued the employees and in order to protect the employees, insurance was purchased. I realize that the protection the employees enjoyed was not, perhaps, the same thing that the Commonwealth will have. But this bill does place a cap on the amount any one individual can recover, as we reverted to the prior printer's number, in the amount of \$250,000 per person or maximum of \$1 million per accident.

I do not believe we can really rate how we will compare with the State of New York at this time and I do not believe it will be quite the chaotic situation the Minority Leader refers to. I think the bill is the best we can do, thought out over two years' time and, if we need to make changes in the future we can do it at that time.

Mr. President, I believe it is essential that we pass this bill tonight.

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—49

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2586 (Pr. No. 3827) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

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

Senator ROSS, by unanimous consent, from the Committee

on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor, which were read by the Clerk as follows:

JUDGE, MUNICIPAL COURT OF PHILADELPHIA

September 6, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Stanley W. Bluestine, Esquire, 110 Beth Drive, Philadelphia 19115, Philadelphia County, Sixth Senatorial District, for appointment as Judge, Municipal Court in and for the City of Philadelphia, First Judicial District of Pennsylvania, to serve until the first Monday of January, 1980, vice Honorable Maxwell L. Ominsky, Mandatory retirement.

MILTON J. SHAPP.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA
COUNCIL ON THE ARTS

September 7, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts:

Ms. Sandra Featherman, 2100 Spruce Street, Philadelphia 19103, Philadelphia County, Second Senatorial District, to serve until July 1, 1981, and until her successor has been appointed and qualified, vice Mrs. Stella Moore, Philadelphia, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF
CALIFORNIA STATE COLLEGE

June 13, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Kimberly Jean Lama, R. D. 1, Box 264, Fayette City 15438, Fayette County, Thirty-second Senatorial District, for appointment as a student member of the Board of Trustees of California State College, to serve for a term of three years, or for so long as she is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Ronald D. Galloway, Pittsburgh, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF
CLARION STATE COLLEGE

August 24, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Steven Craig Moore, 222 North Penn Street, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a student member of the Board of Trustees of Clarion 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 Leonard K. Bashline, Clarion, whose term expired.

MILTON J. SHAPP.

COMMISSIONER OF DEEDS

September 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 William Sherman, R. D. #2, Wards Road, Blairstown, Warren County, New Jersey, 07825, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years, to compute from the date of confirmation.

MILTON J. SHAPP.

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

August 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 James E. Lineberger, 1330 Pine Street, Apartment B 204, Philadelphia 19107, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1984, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF KUTZTOWN STATE COLLEGE

September 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 Ms. Mary Grace Ann Reilly, 135 South Ithan Avenue, Rosemont 19010, Delaware County, Seventeenth Senatorial District, for appointment as a student member of the Board of Trustees of Kutztown State College, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice James B. Gallo, Northumberland, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE COLLEGE

August 24, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Susan Anita Heaney, Box 118, R. D. #1, Ottsville 18942, Bucks County, Tenth Senatorial District, for appointment as a student member of the Board of Trustees of Mansfield State College, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice John E. Heim, Harrisburg, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

August 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 for appointment as a member of The Municipal Police Officers' Education and Training Commission:

Dale M. Vogelsong (Township Supervisor), 12 Meadow Drive, Camp Hill 17011, York County, Thirty-first Senatorial District, to serve until February 21, 1981, and until his successor is appointed and qualified, vice Myron Bortnicker, Havertown, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

September 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 Helen C. Davies, Ph.D., 7053 McCallum Street, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1981, and until her successor shall have been appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

September 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 Honorable Ronald G. Lench, 3981 Dora Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1981, and until his successor shall have been appointed and qualified, vice Robert L. Ruttenberg, Limekiln, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE STATE PLANNING BOARD

August 24, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert V. Cassidy, Box 173, Newry 16665, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Planning Board, to serve until December 13, 1979, and until his successor is appointed and has qualified, vice Dr. Thomas G. Fox, Pittsburgh, deceased.

MILTON J. SHAPP.

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

August 25, 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 Milton Melman, 4074 Fawn Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve for a term of four years, pursuant to Act 31, approved March 1, 1974.

MILTON J. SHAPP.

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

August 25, 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 Ms. Jeannette E. Holloway (Republican), 340 Media Station Road, Apartment A-202, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1980, and until her successor is duly appointed and qualified, vice Robert J. Strunk, Media, resigned.

MILTON J. SHAPP.

MEMBER OF THE FAYETTE 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 for reappointment as a member of the Fayette County Board of Assistance:

Harry J. Porter (Democrat), 1416 Hawthorne Street, Conellsville 15425, Fayette County, Thirty-second Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

September 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. Florence M. Stump (Republican), 624 Washington Avenue, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified, vice Clair E. Parsons, Port Royal, resigned.

MILTON J. SHAPP.

MEMBER OF THE MIFFLIN COUNTY
BOARD OF ASSISTANCE

August 25, 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 E. Bolger (Democrat), 518 Lindbergh Way, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Mifflin County Board of Assistance, to serve until December 31, 1978, and until his successor is duly appointed and qualified, vice Ms. Constance Fluke, Lewistown, resigned.

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:

Ralph W. Holmes (Democrat), 932 East Ellet Street, Philadelphia 19150, Philadelphia County, Thirty-sixth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified. (Reappointment)

MILTON J. SHAPP.

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

September 12, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Cecil Marion Hughes (Republican), R. D. #2, Box 141, New Cumberland, Fairview Township 17070, York County, Thirty-first Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 1980, and until his successor is duly appointed and qualified, to increase Board membership.

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 Mark B. Devlin, 806 Perry Highway, Pittsburgh 15229, Allegheny County, Fortieth Senatorial District, for appointment as District Justice of the Peace in and for the County of Allegheny, Class 2, District 02, to serve until the first Monday of January, 1980, vice Robert E. Meinert, Pittsburgh, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE

September 7, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard A. Woodward, R. D. #1, Mount Pleasant Township, Waymart 18472, Wayne County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Wayne, Class 3, District 04, to serve until the first Monday of January, 1980, vice Charles H. Buckert, Preston Township, Lakewood, retired.

MILTON J. SHAPP.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator ROSS asked and obtained unanimous consent for immediate consideration of the nominations made by His Excel-

lency, the Governor, and reported from committee at today's Session.

NOMINATIONS LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the nominations of Stanley W. Bluestine, Esquire, as Judge, Municipal Court in and for the City of Philadelphia; Helen C. Davies, Ph.D., and the Honorable Ronald G. Lench, as members of the Board of Trustees of The Pennsylvania State University, be laid on the table.

The PRESIDENT. These nominations 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—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of Gilbert Teitel, as a member of the State Employees' Retirement Board, which requires a majority vote.

This nomination was previously laid on the table June 26, 1978.

The Clerk read the nomination as follows:

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.

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—39

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

NAYS—6

Bell,	Hopper,	Stauffer,	Tilghman,
Hess,	Kusse,		

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 9 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

SB 86 (Pr. No. 1741) and SB 87 (Pr. No. 1742) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 131 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 133 (Pr. No. 1044) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 471 and 663 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 1076 (Pr. No. 2906) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1097 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON SECOND CONSIDERATION

HB 1330 (Pr. No. 3789) and **HB 1446 (Pr. No. 1718)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1508, 1521, 1523, SB 1603, 1604, 1623, HB 1673 and **1778** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

HB 1785 and **1834** — Without objection, the bills were passed over in their order at the request of Senator HAGER.

HB 1880, 2007 and **2029** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

HB 2138 (Pr. No. 3790) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HAGER offered the following amendments:

Amend Title, page 1, line 3, by removing the period after "products" and inserting; and further providing for the proof of perjury.

Amend Bill, page 2, by inserting between lines 12 and 13:

Section 2. Subsections (e) and (f) of section 4902 of Title 18 are amended to read:

§ 4902. Perjury.

(e) [Inconsistent] Irreconcilably contradictory statements.—Where the defendant made [inconsistent] irreconcilably contradictory statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the [inconsistent] irreconcilably contradictory statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that irreconcilably contradictory statements were made and one or the other was [false and] not believed by the defendant to be true.

(f) [Corroboration.—In any prosecution under this section, except under subsection (e) of this section, falsity of a statement may not be established by the uncorroborated testimony of a single witness.] Proof.—Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular

number of witnesses or by documentary or other type of evidence.

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

Amend Sec. 2, page 2, line 13, by removing the period after "days" and inserting: and section 2 shall take effect in 60 days.

On the question,

Will the Senate agree to the amendments?

Senator HAGER. Mr. President, these amendments to the perjury law are offered for two reasons and speak specifically to those reasons.

Under present law, prosecutors must prove two contradictory statements under oath, select one of them as being the falsehood and then prove it.

Secondly, Pennsylvania, contrary to most of the states in this Nation, operates under what is called the two witness rule; you must have two witnesses to testify that the untruth, under oath, is a perjury or one witness plus corroboration. This sets perjury apart from all other crimes making a standard of proof almost impossible to obtain in Pennsylvania.

The amendments which I have offered to the bill merely say of perjury that if a person can prove that there are two mutually inconsistent statements, under oath or affirmation, within the statute of limitations, two irreconcilably inconsistent statements and can prove it by one witness or have the same kind of proof which is available in all other criminal cases, then the person may be found guilty of perjury. It conforms Pennsylvania law to that of the Federal government and to many other states.

The only other thing that should be said about these amendments is that they are amending a bill which has to do with kosher pickles. They do not do anything. They do not eviscerate even one kosher pickle. They merely are added as an addendum and could be known as the kosher pickle and perjury bill.

Senator COPPERSMITH. Mr. President, I believe the Minority Leader's knowledge of kosher food perhaps is the same as the knowledge of perjury. The bill, I believe, deals with kosher food and not kosher pickles. Kosher pickles are just really a style and do not have any ritual connotations.

Getting back to the merits of the amendments. At 10:48 in the evening we are asked to consider, for the first time, amendments that change the long-standing perjury law of Pennsylvania. There has been no suggestion that the Chairman of the Committee on Judiciary has not acted on any bill and has delayed it for a long period of time.

I believe this is a very important matter which should be considered in the normal course of the Senate procedure. For that reason, I ask the Members to vote against these amendments when we have not had time to think through their implications and to decide whether or not we want to change the long-standing perjury law of Pennsylvania.

Senator HAGER. Mr. President, as to the first portion of the gentleman's remarks, I agree with the gentleman from Cambria, Senator CopperSmith. However, kosher food is not illiterative; pickle and perjury is; that is why I picked a specific

pickle rather than any portion of food, so I could have my Ps going together.

Secondly, yes, it is late. It is very late. This specific statute was offered to this Legislature in May of 1977 and has been ignored since then. I agree we should have an opportunity to take a look at it. I recommend, therefore, that this be allowed to go in so that this bill could go with all of the other anti-crime bills which are on the Calendar for tomorrow and if tomorrow, by having looked at it overnight, it is believed to be such a radical departure, a motion to revert might be made, get it out, pass the bill without it and leave perjury unattended to in the meantime.

Mr. President, so that we can consider the package of crime prevention bills all together, it would seem to me the thing to do is allow these amendments to go in tonight, revert, if we must tomorrow but, in the interest of the peaceful participation of this Senate, I believe we ought to have the pickle-perjury bill go along with the entire package.

Senator O'PAKE. Mr. President, with regard to the last comments of the Minority Leader, I do not recall his ever requesting that our Senate Committee on Judiciary ever consider the bill—at least since I have been Chairman—until I received a copy of what I suppose was his press release of Monday.

I would caution this Chamber to be very careful and not repeat what the House has done, unfortunately, with some of the crime package bills when, at the midnight hour in an attempt to shove something over to the other Body, they may have done some irreparable damage to some of that very important law enforcement package.

Senator ROMANELLI. Mr. President, the bill which is being amended, House Bill No. 2138, is a very important piece of legislation to a certain segment of the Commonwealth of Pennsylvania. It is especially important to a segment which I represent. It concerns the dietary practices of the Jewish people and I do not feel we should consider it as lightly as our Minority Leader has tonight. I object and I believe, by his own admission, it could possibly kill this bill. This is a very important piece of legislation to the people in my District and I object to his offering those amendments to this bill.

Senator ZEMPRELLI. Mr. President, I would call the attention of the Members to one very important facet. I am extremely concerned that the total concept of the proposed amendments is not understood in this society.

One of the things happening today in the prosecution of criminal cases is the use of immunity. I would say, dealing with the human factor, when a person is put to the test of whether or not he will respond contrary to the truth and he is faced with a jail term as an alternative, the concept of perjury by one person as against another, that charge is very eminent.

I know the great concern of many people today who had these kinds of confrontations is based on the use of immunity in connection with a charge of perjury. I wish that we had the greatest deal of time to go into this concept and give some examples of parties who were involved and how these matters have come about.

I do not know that anything discussed here tonight is more important than the amendments which are before us now. If

anything else, I would support the gentleman from Berks, Senator O'Pake, and those who have said that this is not the time nor the place to be discussing these important amendments. I am sure the Committee on Judiciary would want to give a great deal of time to the consideration of the impact of the amendments.

Mr. President, I ask for a negative vote on these amendments.

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

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

YEAS—18

Andrews, Bell, Corman, Dougherty, Dwyer,	Gekas, Hager, Hess, Holl, Hopper,	Howard, Jubelirer, Kusse, Manbeck,	Moore, Snyder, Stauffer, Tilghman,
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NAYS—29

Arlene, Coppersmith, Duffield, Early, Fumo, Gurzenda, Hankins, Kelley,	Kury, Lewis, Lynch, McCormack, McKinney, Mellow, Messinger,	Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Stapleton, Sweeney, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

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

BILL OVER IN ORDER

HB 2142 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

HB 2145 CALLED UP

HB 2145 (Pr. No. 3808) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 25 of the Second Consideration Calendar by Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED

HB 2145 (Pr. No. 3808) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator STAPLETON offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 3, page 3, lines 12 and 13, by striking out all of said lines

Amend Sec. 3, page 3, by inserting between lines 26 and 27:

"Governing body." The governing body of a local government.

"Local government unit." Any city, borough, township and town.

Amend Sec. 3, page 3, line 27, by striking out "county" and inserting: local government

Amend Sec. 4, page 4, line 5, by striking out "county commissioners of any county" and inserting: governing body of any local government

Amend Sec. 4, page 4, line 8, by striking out "county and one county commissioner," and inserting: unit of local government and one member of the governing body of such local government.

Amend Sec. 4, page 4, line 10, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 13, by striking out "county commissioners." and inserting: governing body.

Amend Sec. 4, page 4, line 14, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 17, by striking out "county commissioners" and inserting: governing body

Amend Sec. 4, page 4, line 24, by striking out "county" and inserting: local government unit

Amend Sec. 5, page 4, line 27, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 4, line 28, by striking out "county," and inserting: local government unit,

Amend Sec. 5, page 5, lines 3 and 4, by striking out "county commissioners of the county" and inserting: governing body of the local government unit

Amend Sec. 5, page 5, line 7, by striking out "county," and inserting: local government unit,

Amend Sec. 5, page 5, line 8, by striking out "commissioners of all counties" and inserting: the governing bodies of all local government units

Amend Sec. 5, page 5, lines 9 and 10, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 5, line 16, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 5, line 19, by striking out "recorder of deeds office." and inserting: office of the local government unit.

Amend Sec. 5, page 5, line 27, by striking out all of said line and inserting governing body.

Amend Sec. 5, page 5, line 29, by striking out "recorder of deeds," and inserting: governing body and

Amend Sec. 5, page 5, lines 29 and 30, by striking out "and the clerk of the county commissioners"

Amend Sec. 5, page 6, line 8, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 12, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 15, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 17, by striking out "countys" and inserting: local government's

Amend Sec. 5, page 6, lines 18 and 19, by striking out "county commissioners" and inserting: governing body

Amend Sec. 5, page 6, line 22, by striking out "county commissioners" and inserting: governing body

Amend Sec. 6, page 6, line 25, by striking out "county commissioners," and inserting: governing body,

Amend Sec. 7, page 8, line 4, by striking out "County" and inserting: Local government unit

Amend Sec. 7, by inserting between lines 4 and 5:

(5) The county's comprehensive plan.

Amend Sec. 7, page 8, line 5, by striking out "(5)" and inserting: (6)

Amend Sec. 8, page 9, lines 4 and 5, by striking out

"county commissioners.—The county commissioners," and inserting: governing body.—The governing body,

Amend Sec. 8, page 9, line 11, by striking out "county commissioners" and inserting governing body

Amend Sec. 8, page 9, line 16, by striking out "county commissioners." and inserting: governing body.

Amend Sec. 8, page 9, line 19, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 22, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 25, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 9, line 26, by inserting after "commission": , the county planning commission

Amend Sec. 9, page 10, line 5, by striking out "county commissioners" and inserting: governing body

Amend Sec. 9, page 10, line 6, by inserting after "commission": , the county planning commission

Amend Sec. 9, page 10, line 11, by striking out "county commissioners do" and inserting: governing body does

Amend Sec. 10, page 10, line 16, by striking out "county commissioners" and inserting: governing body

Amend Sec. 13, page 12, line 13, by striking out "the county and"

Amend Sec. 13, page 12, lines 19 and 20, by striking out "counties and"

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILLS ON SECOND CONSIDERATION

HB 2149 (Pr. No. 3434), HB 2200 (Pr. No. 2807), HB 2207 (Pr. No. 2814), HB 2215 (Pr. No. 3787), HB 2487 (Pr. No. 3456), HB 2488 (Pr. No. 3495), HB 2489 (Pr. No. 3229), HB 2490 (Pr. No. 3496) and HB 2740 (Pr. No. 3676) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SENATE RESOLUTION, SERIAL NO. 114, CALLED UP

Senator MESSINGER, without objection, called up from page 27 of the Calendar, Senate Resolution, Serial No. 114, entitled:

Amending Senate Rules regarding status of Members indicted or convicted of a crime.

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

On the question,

Will the Senate adopt the resolution?

Senator FUMO offered the following amendment:

Amend Rule 38, section 1, 5th line, by striking out "relieved of" and inserting: permitted to resign

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment changes the language in Senate Resolution, Serial No. 114 to allow an individual who may be indicted to resign his chairmanship or his Majority or Minority leadership position. I know this is another of those amendments which goes to the age-old concept that people are innocent until proven guilty. I know it is something which apparently repulses some people in this Chamber, but it is, I hope, still a fact of life.

Some may argue that there is no need for this because a person can resign anyway. However, there is need for this because number two of the second part of the resolution allows that person to regain their leadership position retroactively. In some of these positions that involves salary and things of that nature which they would be able to get retroactively which they would not have if they just resigned without this resolution.

If a Member persists in not resigning and if the offense is that serious, the Senate could take whatever measures they deemed necessary. But, I do not believe it is fair to penalize a person, make them lose their position of leadership or chairmanship merely because they have been indicted.

As we know, an indictment is merely an accusation. In today's times I feel this amendment is necessary.

Senator DOUGHERTY. Mr. President, I would appreciate it if the Chair would direct the gentleman from Philadelphia, Senator Fumo, to cease making general disparaging comments about Members of this Body such as, many of us are repulsed by the idea of innocent until proven guilty.

Earlier this evening he made other general comments referring to the Members of the Senate. I believe his comments reflect a discredit to the Senate and I think he should be advised that if he has something specific he wants to say about someone, then say it about that person specifically and stop throwing barbs and, I feel, unfair, unfounded, unsolicited and unnecessary comments which are derogatory in nature about the Senate of Pennsylvania.

Senator LEWIS. Mr. President, I rise in opposition to the amendment proposed by the gentleman from Philadelphia, Senator Fumo. The question before us really has nothing to do with whether or not one is presumed innocent until proven guilty. Rather, the question is whether the Senate, the Members here, are going to potentially be placed in the position of discomfort, to say the least, and possible inactivity, certainly impotence, under some circumstances when we have to deal or work in a situation where a Member has been indicted and the gravamen of the indictment directly relates to his official conduct as a member of the Senate.

Furthermore, that Member himself, under current circumstances, may find himself in a predicament with no readily available solution. As we know when Senator Cianfrani was indicted, he expressed an interest in relieving the Members of the Senate of the difficulty of having him continue as Chairman of the Committee on Appropriations while that indictment was pending. Yet, he told us that he had been advised by his attorney that to step aside from that position may be interpreted as an admission of guilt at that time and he was reluctant to do that for certain legal reasons. I believe we can

appreciate that predicament in which he found himself.

The purpose of this proposed resolution is to establish what we believe to be a fair situation to be applied to anyone without regard to personality, emotion of the moment, or political considerations that may be brought to bear.

I think it is about time that we recognize the fact that the business of the Commonwealth must move forward and those of us who are here to serve that purpose have to put our own individual interests aside when it comes into conflict with the bigger and larger and more important requirement.

I therefore ask my colleagues to reject this amendment and adopt the resolution in the form in which it is currently before us.

Senator DUFFIELD. Mr. President, the allegations made by the gentleman from Philadelphia, Senator Dougherty, are quite evident and the trend to which we are now going—I will not mention names, I do not have to—many Members of this Senate are acting in fear of newspaper publicity and the great itch to get reelected.

I know two eminent Senators of this Body who were indicted by the Federal Grand Jury and the gentleman from Bucks, Senator Lewis, won over one of them during the indictment.

POINT OF ORDER

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

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

Senator BELL. Mr. President, are the gentleman's remarks in order?

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

(The Senate was at ease.)

The PRESIDENT. With the understanding that the Chair has privately discussed the matter with Senator Duffield who, I think understands the necessity to maintain decorum and dignity in his remarks, I will permit the gentleman to continue with his thought.

Senator DUFFIELD. Mr. President, I apologize for any personal remarks I made against any Senator because I respect all Senators here very highly.

I just made a comment on the trend of the times that is pushing certain legislation in this Senate.

Back to my original thesis: We had two very eminent Members of this Senate who were indicted. One of them belonged to the Minority Party; the other to the Majority Party. The gentleman of the Majority Party retained his chairmanship of his committee, with honor and dignity, and his case was dismissed. The other gentleman was defeated for reelection and was later acquitted by the Federal Jury of his peers.

Mr. President, to condemn a person today, when indictments come so easy, when there is undoubtedly a witch hunt by certain elements of the Federal government against certain people today, indictments are so easily obtained. The Federal attorneys are seeking these indictments. In fact, if I were a Federal attorney I believe I could indict anybody, if I wanted to. They sit with these people. They call these civil people into the grand jury and give them so much money for each day they are

on. Some people do not realize how these grand juries operate. Some of my colleagues have never been before a grand jury. The Federal attorney controls that grand jury and they rely upon him as to who to indict. It is so easy for any Member of this Senate to be indicted tomorrow.

Let us try to have a little justice and mercy and not worry about what the papers are saying. Let us try to look upon our brothers as decent, honest individuals until they are proven guilty.

Mr. President, I went through this thing myself. I was never indicted for anything. I was never arrested but I had my committees taken away from me because of the pressure of the times and I understood it. It had nothing to do with the Senate.

In the future, for anyone who has not gone through this, for anyone who has not lived under the pressure that is exerted upon one, they do not know what it means to him and his family, personally, to be taken off a committee for some alleged infraction that occurred. We are talking here about our brothers and our sister Senators. I assume all of them are all right and from what I know, they are all decent people. They are all good people and I would not, myself, want to see any of them hurt.

As the gentleman from Philadelphia, Senator Fumo, said, an indictment is merely an accusation. Why should we burden them further by requiring them to lose the emoluments of office and the prestige and honor they have built up over many years of devoted service to the Commonwealth of Pennsylvania? It is so easy to say, in this day and age, "Throw everybody in jail, censure everybody, condemn everybody," but that is not the answer to the problem.

If I were serving on a committee I would not be embarrassed by serving under a chairman who was under indictment. I say this: In this day and age, who knows in this Senate but tomorrow he might be the one? We are not all pure. Somebody might even find that a lobbyist took one of us out for dinner some evening and helped buy a vote.

As I have said many times before, "He who is without fault cast the first stone." Sometimes it is a matter of degree, sometimes they sell their influence for \$1,000, sometimes it is for a drink down at Lombardo's, therefore, let us not act so "whitey" pure.

For the reason of justice and humanity, I ask that we go along with the amendment of the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I cannot add to the remarks of the gentleman from Fayette, Senator Duffield, concerning my amendment.

However, I do feel compelled to answer the charges of the gentleman from Philadelphia, Senator Dougherty, and would like to remind the gentleman, as he answered the question, that it was during the debate on the wiretap bill that the gentleman took to the floor and made accusations and insinuated that individuals, on whom a district attorney or Attorney General would seek a wiretap order, were criminals and did not deserve protection. I would ask the gentleman to review the Journal of the day and I am sure he will find that those remarks are true. I only answer him because he raised the issue.

As to the amendment, I believe what the gentleman from

Fayette, Senator Duffield, said is very true and, regrettably, this is the way the Senate is acting during this period of time. I am asking this Senate to come back to its senses and adopt this amendment.

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

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

YEAS—7

Arlene, Duffield,	Fumo, Gurzenda,	Hankins, Lynch,	Smith,
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NAYS—39

Andrews, Bell, Coppersmith, Corman, Dougherty, Dwyer, Early, Gekas, Hager, Hess,	Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Manbeck, McCormack,	McKinney, Mellow, Messinger, Moore, Murray, Nolan, O'Pake, Orlando, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Zemprelli,
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So the question was determined in the negative, and the amendment was defeated.

And the question recurring,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 114, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 114.

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

Senator McCORMACK. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Lewis.

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

Senator McCORMACK. Mr. President, when the gentleman refers to the word "indictment" is he aware of the fact that in Pennsylvania we proceed by information and I ask if indictment includes information.

Senator LEWIS. Yes, Mr. President, I believe it does.

Senator McCORMACK. Mr. President, what is the basis for that opinion?

Senator LEWIS. It is an opinion, Mr. President.

Senator McCORMACK. Mr. President, so that if any information is found against a Member of the Senate, this resolution would apply?

Senator LEWIS. I would think it would, Mr. President, although that could well be a technical question that might be raised at the time.

Senator McCORMACK. Mr. President, we are distinguishing

in the first paragraph, where the gravamen is directly related to the Member's conduct as a committee chairman, he shall be relieved of his chairmanship but if the gravamen of the offense pertains to his conduct as a Senator and not specifically as a chairman of a committee, would he still be relieved of his chairmanship?

Senator LEWIS. No, Mr. President.

Senator McCORMACK. Mr. President, what is the reason for the distinction?

Senator LEWIS. The distinction, Mr. President, is that we are specifically proposing that a Member be relieved of a specific responsibility and to the extent that an indictment may give rise to a question about the handling of that responsibility, we felt it appropriate that the person no longer undertake such responsibility.

Senator McCORMACK. Mr. President, in paragraph three, upon imposition of sentence where the court suspends the sentence, is that imposition of sentence, where there is a suspended sentence?

Senator LEWIS. Yes, Mr. President, I believe that case law is relatively clear on that.

Senator McCORMACK. Thank you, Mr. President.

Senator BELL. Mr. President, I know that it is only a short period of time until the new Session and the new Rules are adopted, but I hope that those who are responsible for handling the new Rules will follow up what the gentleman from Philadelphia, Senator McCormack, brought up, because, in my county, you cannot be indicted unless it is the Federal government. We abolished the indicting grand jury so I believe to be fair I should be included in the bill.

Senator GEKAS. Mr. President, I want to make the record clear to the effect that the Information to which the gentleman from Philadelphia, Senator McCormack, alluded and to which the gentleman from Bucks, Senator Lewis, responded, is the Information that has taken the place of the Indictment in those counties which have done away with the grand jury process. It is not to be confused that information with a criminal complaint which is the beginning of a criminal proceeding.

The legislative intent, as I understand it and which should be spread on the record, is that the Indictment and the Information to which the gentleman from Philadelphia, Senator McCormack alludes are one and the same for the purposes of this resolution.

Senator LEWIS. Mr. President, I would like to say that, in my opinion, the remarks of the gentleman from Dauphin, Senator Gekas, fully and accurately express my personal intent with regard to the sponsorship of this resolution. I would hope that the legislative record, in the event that this resolution is adopted, will reflect the intent of this Senate to have the term "indictment" also include information.

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—46

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

NAYS—3

Duffield,	Fumo,	Gurzenda,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative, and the resolution was adopted.

HB 404 CALLED UP

HB 404 (Pr. No. 3792) — Without objection, the bill, which was previously amended on third consideration, was called up, from page 5 of the Third Consideration Calendar, by Senator FUMO.

CHAIR REVERSES RULING

The PRESIDENT. The Chair reverses its ruling that House Bill No. 404 will go over, as amended.

BILL ON THIRD CONSIDERATION AMENDED

HB 404 (Pr. No. 3792) — And the question recurring, Will the Senate agree to the bill on third consideration, as amended?

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

Amend Sec. 2 (Sec. 1629), page 16, line 2, by striking out "AND"

Amend Sec. 2 (Sec. 1629), page 16, line 6, by removing the period after "1626" and inserting: ; and

Amend Sec. 2 (Sec. 1629), page 16, by inserting between lines 6 and 7:

(3) May be transferred to such candidate or political committee to another political committee which was authorized for or by said candidate.

Amend Bill, page 29, by inserting between lines 24 and 25:

Section 6. The act is amended by adding a section to read:

Section 1843.1. Limitations on Contributions.—

(a) No person may make a contribution or contributions directly or indirectly aggregating more than:

(1) Five thousand (\$5,000) dollars in value to a candidate for nomination for or election to a State-wide elective office with respect to each primary or general election or special runoff election.

(2) Fifteen hundred (\$1,500) dollars in value to a candidate for nomination for or election to the House of Representatives with respect to each primary or general election or special runoff election and three thousand (\$3,000) dollars to a candidate for nomination for or election to the Senate with respect to each

primary or general election or special runoff election.

(3) Seventy-five hundred (\$7,500) dollars in value in any calendar year, in the aggregate, to the State central committee, county central committee, finance committee, legislative committee and all other subcommittees of a single political party.

(b) A contribution shall be regarded as made to a candidate, person or party if it is made to a person who is authorized to receive contributions or is the designated agent of the candidate, person or party.

(c) Contributions to any person except directly to the candidate or his controlled committees may not be earmarked or designated in any manner, formally or informally, by the contributor, for a particular candidate or candidates.

(d) No individual shall make contributions aggregating more than ten thousand (\$10,000) dollars in value to all candidates and their controlled committees for nomination for or election to State elective office with respect to each primary, general, special, or runoff election. If a person pools contributions each worth \$100 or less, as described in subsection (e), that person may make contributions aggregating up to, but no more than \$10,000 in value to all candidates for nomination for or election to State elective office in each primary, general, special or runoff election. No person shall make contributions aggregating more than ten thousand (\$10,000) dollars to all committees not subject to the direction or control of any candidates in a calendar year. No political party shall be subject to any campaign limitation as provided in this act.

(e) Notwithstanding subsection (a), a person may make a pooled contribution or contributions as provided in subsection (d) directly or indirectly aggregating up to:

(1) Five thousand (\$5,000) dollars in value to a candidate for nomination for or election to a State-wide office with respect to each primary or general election or special runoff election.

(2) Fifteen hundred (\$1,500) dollars in value to a candidate for nomination for or election to the General Assembly with respect to each primary, general election or special runoff election.

(f) For purposes of this section, contributions by dependent children shall be deemed to be made by their parents.

(g) A person who transfers or promises to transfer anything of value to another person on the understanding or arrangement that the other person will make a contribution to a candidate shall be regarded as himself making the contribution to the candidate. The value of contributions other than money shall be their fair market value at the time they are received.

(h) Contributions and expenditures by a person controlled or acting in concert with another person shall be regarded as contributions and expenditures by the latter for purposes of this act including expenditures by any parent, subsidiary, division, committee, department, branch or local unit of a person.

(i) For the purposes of this section:

"Person" shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, and any other organization or group of persons acting jointly.

"Political party" shall mean any political party which has a right, under law, to have the names of its candidates listed on the ballot.

"Polled contribution" shall mean any contribution consisting of funds derived from more than one individual.

(j) The limitations of the section shall not apply to the disposition of residual funds as provided by section 1629 of this act.

Amend Sec. 6, page 29, line 25, by striking out "6." and inserting: 7.

Amend Sec. 7, page 29, line 26, by striking out "7." and inserting: 8.

Amend Sec. 8, page 30, line 6, by striking out "8." and inserting: 9.

Amend Sec. 9, page 30, line 7, by striking out "9." and inserting: 10.

Amend Sec. 10, page 30, line 10, by striking out "10." and inserting: 11.

On the question,

Will the Senate agree to the amendments?

Senator FUMO. Mr. President, the amendments would basically limit the amount of money a candidate could receive from one person during a campaign. Specifically, it would limit to \$1,500 the amount a Member of the House of Representatives could receive during a primary or general election or special election; \$3,000 that a candidate for the Senate could receive and \$5,000 that any candidate running for statewide office could receive from one person.

It would also limit the amount that one person could contribute to any number of candidates to \$10,000 per year.

I believe that, in the spirit of election reform, the Minority Leader so aptly talked about continuously this week, which I support, I believe this is the type legislation the people in this Commonwealth want. It would prevent special interest groups from owning Senators and House Members and Governors and Auditor Generals, et cetera, especially the new Attorney General.

It would prohibit the extremely wealthy from contributing to candidates for office in an attempt to own them. I believe this is the kind of legislation we are looking for in Pennsylvania when we talk about campaign reform.

I would urge the adoption of these amendments in the spirit of reform, especially in light of the abuses we have seen with massive spending in campaigns in recent times as well as previously.

Senator SCHAEFER. Mr. President, I rise in support of these amendments. Many of my colleagues may recall that this spring I, and several of my colleagues, proposed legislation to solve some of the very serious problems that we felt existed with the current election finance law. This legislation is the current Senate Bill No. 1366. In large part, Senate Bill No. 1366 was prompted by a report that was issued by Common Cause. This report, developed by Common Cause, revealed the necessity for much of the reform contained in Senate Bill No. 1366.

The amendments the gentleman from Philadelphia, Senator Fumo, is proposing today, are in large part lifted from Senate Bill No. 1366. This, together with the current provisions contained in House Bill No. 404, will bring this legislation very close to Senate Bill No. 1366.

The gentleman from Philadelphia, Senator Fumo, has alluded to the involvement of special interests in the election process in Pennsylvania. I do not wish to issue a final judgment in this involvement but I think it is very important that we, who are considering meaningful election finance reform, embrace this concept.

Mr. President, I would urge a "yes" vote on the amendments.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

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

Senator FUMO. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us, with regard to these amendments, what would happen where it was reported in the gubernatorial primary election of 1978 that one candidate received approximately a \$250,000 loan from a very well-to-do family in western Pennsylvania? What effect would that particular case have, if this were in effect?

Senator FUMO. These amendments, Mr. President, would prohibit that under the definition of contribution in the form of a loan. They would prohibit those types of huge loans—if you want to really call them that—or contributions. That is exactly what the amendments are designed to prevent.

Senator BELL. Mr. President, I just glanced at these amendments and I see the word "person" means any campaign committee and also note that the maximum permitted is \$10,000. We, over here as Republicans, are very poor with our Senate campaign committee and I do not know what the Democrats will do with more than \$10,000 in this fall's election.

Senator HAGER. Mr. President, I know what is expected of me in response to these amendments but I will not respond as expected.

I am going to say this: Tonight, Mr. President, I offered an amendment to a piece of legislation which has been in the Senate, in committee, since May of this year. I was told by those of my colleagues who did not wish to vote for it that it was unfair to put it before the Body this evening, at this late hour. It was less than one page of legislation and it was suggested that it be rejected and it was rejected by every vote across the aisle.

Tonight, at this late hour, there is placed before us what is really one full page, single-spaced, half of another page, plus additional deletions and inserts from the balance of the bill, on something which is very major.

Mr. President, I would be very willing to join in sponsoring an original piece of legislation but it is pretty obvious to me that when this bill came from the House, with this specifically deleted, these amendments will kill election reform legislation for this term. The House specifically excluded this. To put it in and send it over there is to guarantee the death of this legislation. I know that it is not the aim of the gentleman from Allegheny, Senator Schaefer.

Senator KELLEY. Mr. President, I have heard more legislative homicide here today than I can imagine. It seems that any time anybody resists anything we are trying to kill something.

I would like to invite the attention of my colleagues to the fact that these amendments are quite liberal compared even to Federal standards and are not something with which we are unfamiliar. I believe the Minority Leader does an injustice when he tries to compare these amendments with the one which he offered earlier because the significance of each is greatly in variance in weight and impact. I believe these amendments are very easily digestible; they contain something that has been on

our minds a long time, not a radical change of a proof of a crime or the essence of what that crime may be. I believe this is easily something understood by each of us quickly and we can decide whether we will be supportive or not. I will vote for the amendments.

Senator O'PAKE. Mr. President, I rise to oppose these amendments. The effect of these amendments will be to unduly favor those individuals who have large personal fortunes. As we know, the courts have said that a person's own contributions cannot be constitutionally limited to his own campaign. Since that is the law, and if this goes through, we will be putting a limit on the amount of contributions a candidate may receive from other persons. An obviously built-in advantage will be given to a person who has his own independent wealth which he can give unlimitedly to himself.

Mr. President, I suggest that the only way that we can accept these kinds of amendments is if the Federal government does so, accompanied by a public financing of elections. That is the only way this can operate, in my judgment, in a fair way. I would oppose the amendments, Mr. President.

Senator LEWIS. Mr. President, I rise to concur with the remarks of the gentleman from Berks, Senator O'Pake.

Three years ago, I was the principal sponsor of a bill which proposed many of the things we see before us now in House Bill No. 404. It also proposed campaign contribution limitations, which were much more stringent than those suggested in these amendments.

But, coupled with that, was a proposal for partial public funding of campaigns and also the type of limitation or opportunity therefor as mentioned by the gentleman from Berks, Senator O'Pake.

I believe we are really just taking a stab in the direction of meaningful reform and not hitting the target in the center as we should be. I believe it is a subject that is long overdue in terms of adequate attention by this Legislature but it needs to be dealt with comprehensively, not only in a piecemeal fashion, which I believe is what these proposed amendments do. Therefore, I will not support them. I would hope that we will all direct our attentions in the upcoming weeks, if possible, or certainly at the beginning of next Session, to come up with a comprehensive program for contribution limitations.

Senator FUMO. I would just like to say, Mr. President, that for us to even think we are going to sit on this bill until the United States Constitution is changed so that individuals are limited in what they give themselves is far beyond my imagination.

I would like to just remind the Minority Leader that he did, in fact, respond in the way in which I thought he would except much more subtly.

Mr. President, I ask for a "yes" vote and call for the question.

Senator BELL. Mr. President, I am very disappointed that somebody who is supporting these amendments did not get up on the floor and say how those Senate candidates—there are twenty-five of them this year—who already received more than \$1,500 from one source, will pay back the money.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—18

Arlene,	Hankins,	Mellow,	Orlando,
Duffield,	Kelley,	Murray,	Schaefer,
Early,	Lynch,	Nolan,	Smith,
Fumo,	McCormack,	Noszka,	Zemprelli,
Gurzenda,	McKinney,		

NAYS—29

Andrews,	Hess,	Lewis,	Ross,
Bell,	Holl,	Manbeck,	Scanlon,
Coppersmith,	Hopper,	Messinger,	Snyder,
Corman,	Howard,	Moore,	Stapleton,
Dougherty,	Jubelirer,	O'Pake,	Stauffer,
Dwyer,	Kury,	Reibman,	Sweeney,
Gekas,	Kusse,	Romanelli,	Tilghman,
Hager,			

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

The PRESIDENT. House Bill No. 404 will go over, as previously amended.

**SENATE RESOLUTION,
SERIAL NO. 118, CALLED UP**

Senator MESSINGER, without objection, called up from page 27 of the Calendar, Senate Resolution, **Serial No. 118**, entitled:

Urging the Governor take appropriate action and investigate circumstances and trials of John Kehoe and other members of the "Mollie Maguires."

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 118, ADOPTED

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 118.

The motion was agreed to and the resolution was adopted.

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 221, CALLED UP**

Senator MESSINGER, without objection, called up from page 27 of the Calendar, Senate Concurrent Resolution, **Serial No. 221**, entitled:

Urging the United States Olympics Committee to investigate Soviet Union's emigration report that no exit visas will be issued after January 1, 1979.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 221, ADOPTED**

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 221.

The motion was agreed to and the resolution was adopted.

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

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 222, CALLED UP**

Senator MESSINGER, without objection, called up from page 28 of the Calendar, Senate Concurrent Resolution, **Serial No. 222**, entitled:

Directing the Joint State Government Commission to study requirements, operations and procedures of the private detective business in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 222, ADOPTED**

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 222.

The motion was agreed to and the resolution was adopted.

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

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 223, CALLED UP**

Senator MESSINGER, without objection, called up from page 28 of the Calendar, Senate Concurrent Resolution, **Serial No. 223**, entitled:

Thanking the Pennsylvania National Guard and declaring the Months of October and November be known as "Get Your Guard Up" months.

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

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 223, ADOPTED**

Senator MESSINGER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 223.

The motion was agreed to and the resolution was adopted.

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

UNFINISHED BUSINESS

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator HANKINS submitted the Report of Committee of Conference on **SB 736**, which was placed on the Calendar.

REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as committed, **SB 319, 1158 and HB 2181**; as amended, **SB 1176, HB 1358 and 1833**.

Senator LEWIS, from the Committee on Local Government, reported, as amended, **HB 1022**.

Senator O'PAKE, from the Committee on Judiciary, reported, as amended, **SB 1576**.

Senator COPPERSMITH, from the Committee on Public Health and Welfare, reported, as committed, **HB 49**; as amended, **HB 500**.

Senator McKINNEY, from the Committee on State Government, reported, as committed, **SB 1203, HB 1243, 2362, 2434 and 2675**; as amended, **SB 1639, HB 406, 1989 and 2492**.

Senator MELLOW, from the Committee on Environmental Resources, reported, as committed, **HB 2469**.

Senator ZEMPRELLI, from the Committee on Business and Commerce, reported, as committed, **SB 1616 and HB 2654**.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

September 26, 1978.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 22, 1978 for the reappointment of Neil J. Welch (FBI Agent), Special Agent in Charge, Federal Bureau of Investigation, Federal Office Building-Eighth Floor, 600 Arch Street, Philadelphia 19106, Philadelphia County, First Senatorial District, as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1981, and until his successor is appointed and qualified.

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

MILTON J. SHAPP.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

September 26, 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 Colonel John G. Brosky, 29 Greenview Drive, Carnegie 15106, Allegheny County, Thirty-seventh Senatorial District, for appointment as Brigadier General, Pennsylvania Air National Guard, to serve until terminated, as Assistant Adjutant General for Air, Headquarters, Pennsylvania Air National Guard, vice Brigadier General Richard B. Posey, retired.

MILTON J. SHAPP.

MEMBER OF THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION

September 26, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Mahoney, 1875 Lambert Road, Jenkintown 19046, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve until terminated, vice Jon Blum, Philadelphia, resigned.

MILTON J. SHAPP.

MEMBERS OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

September 26, 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 Pennsylvania Minority Business Development Authority:

Alex W. Thompson, 310 Holland Street, Erie 16507, Erie County (Reappointment), Forty-ninth Senatorial District, to serve until June 2, 1983, and until his successor shall be duly appointed and qualified.

Eugene Smith, Jr., 124 Wilker Street, Aliquippa 15001, Beaver County, Forty-seventh Senatorial District, to serve until June 2, 1983, and until his successor shall be duly appointed and qualified, vice Edward W. Robinson, Jr., Esq., Philadelphia, whose term expired.

MILTON J. SHAPP.

PROTHONOTARY, IN AND FOR THE COUNTY OF MERCER

September 26, 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. Betty J. DeVito, 307 West Market Street, Mercer 16137, Mercer County, Fiftieth Senatorial District, for appointment as Prothonotary, in and for the County of Mercer, to serve until the first Monday of January, 1980, vice James C. Griffin, deceased.

MILTON J. SHAPP.

MEMBER OF THE JUNIATA COUNTY BOARD OF ASSISTANCE

September 26, 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. Rosemary L. Bodley (Republican), R. D. #2, Port Royal 17082, Juniata County, Thirty-third Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1980, and until her successor is duly appointed and qualified, vice Mrs. Helen Cramer, McAllisterville, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE

September 26, 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 Frank Andria, P. O. Box 251, Crucible, Cumberland Township 15325, Greene County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Greene, Class 3, District 03, to

serve until the first Monday of January, 1980, vice Joseph Rapchak, Carmichaels, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE

September 26, 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 Francis E. Lubinsky, 334 North Coal Street, Port Carbon 17965, Schuylkill County, Twenty-ninth Senatorial District, for appointment as District Justice in and for the County of Schuylkill, Class 3, District 04, to serve until the first Monday of January, 1980, vice John E. Lurwick, Port Carbon, deceased.

MILTON J. SHAPP.

DISTRICT JUSTICE

September 26, 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 R. Morgan, 995 Broad Street, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Class 1, District 01, to serve until the first Monday of January, 1980, vice John Luongo, Washington, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE

September 26, 1978.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James F. Stocklas, 444 East Fairview Street, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Class 2, District 01, to serve until the first Monday of January, 1980, vice Wilma LaRue Zweifel, Bethlehem, resigned.

MILTON J. SHAPP.

HOUSE MESSAGE

HB 2279 PASSED OVER GOVERNOR'S VETO

The Clerk of the House of Representatives being introduced, presented for concurrence, **HB 2279**, said bill having passed both houses and has been returned by His Excellency, the Governor, vetoed, with the information that the House has reconsidered and again passing the same by the necessary two-thirds vote notwithstanding the objections of the Governor.

The PRESIDENT. The bill will be laid on the table.

BILLS SIGNED

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

SB 743, 744, 1008 and HB 80.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Boy Scout Troop 67, Catawissa, by Senator Kury.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert Monper, Mr. and Mrs. Ralph Scholl, Mr. and Mrs. Harry R. Miller, Mr. and Mrs. Henry J. Fullerton, Mr. and Mrs. Joseph S. Winkler, Mr. and Mrs. John Barkovitch, Mr. and Mrs. Arthur G. Tritsch and to Mr. and Mrs. Karl W. Gundlach by Senator Early.

BILLS ON FIRST CONSIDERATION

Senator DUFFIELD. 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 319, 1158, 1176, 1203, 1576, 1616, 1639, HB 49, 406, 500, 1022, 1243, 1358, 1589, 1780, 1833, 1936, 1989, 2124, 2181, 2291, 2362, 2404, 2434, 2439, 2469, 2492, 2654 and 2675.

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

PETITIONS AND REMONSTRANCES

Senator WOOD. Mr. President, I understand that the evening paper said that they had been informed that I was too sick to vote at yesterday's Session. This statement, it seems to me, was made in very poor grace. It is true that I am not in the greatest shape but I am enjoying life and I am breathing quite well, thank you.

Yesterday I spent seven hours in the Capitol waiting for Session—almost all of the time listening to people tell me that they were good friends of mine—tell me that they had campaigned for Senator Wood, et cetera and finally ask me where they might find me. They wanted to give me their thoughts on ethics, campaign financing, the whole ball of wax. I am sure you sense my answer to all of them.

Finally, today I understand that I was committed to vote for certain proposed legislation at yesterday's late Session. Let there be no misunderstanding. I was not, nor am I now, committed to vote for or against anything.

Had I been on the floor last evening I would not have voted as the papers infer that I would have voted. I have as much party loyalty as anyone and probably a lot more than my friends on this side have shown to Senator Robert Fleming, Senator Dick Frame and others in the past.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, SEPTEMBER 27, 1978

9:30 A.M.	CONSUMER AFFAIRS (Hearing on Acts No. 215, 216 of 1976)	Senate Majority Caucus Room
10:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 1636 and House Bill No. 1846)	Room 286
10:15 A.M.	JUDICIARY (to consider House Bill No. 2095)	Senate Minority Caucus Room

THURSDAY, OCTOBER 5, 1978

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hear-	Keystone Room, Penn Harris
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ing on Senate Bill No.
1424)Motor Inn,
Camp Hill, PA.

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, September 27, 1978, at 10:30 a.m., Eastern Daylight Saving Time.

The PRESIDENT. With the reminder to the Members that the 10:30 time will be prompt because of the commitment for Joint Session in the morning, Senator Messinger moves that the Senate adjourn until Wednesday, September 27, 1978, at 10:30 a.m.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The Senate adjourned at 11:45 p.m., Eastern Daylight Saving Time.