

Legislative Journal

TUESDAY, APRIL 24, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 21

SENATE

TUESDAY, April 24, 1979.

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

The PRESIDENT (William W. Scranton III) in the Chair.

PRAYER

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

Enlighten our minds, O Lord, by Your shining radiance. Then we can see how best to act, and may have the needed strength to do so. Through Christ, our Lord, Your Son, we ask this gift. Amen.

JOURNAL APPROVED

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

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

GUESTS OF SENATOR CLARENCE F. MANBECK PRESENTED TO SENATE

Senator MANBECK. Mr. President, I would like to take this opportunity to introduce to the Senate of Pennsylvania a group of citizens from the Hamburg area, which are represented by both the gentleman from Berks, Senator O'Pake, and myself. They came to Harrisburg today to tour the Capitol. I had told them we would convene promptly at 1:00 o'clock. They would like to leave as soon as possible to tour Hershey Chocolate World and so, Mr. President, I would like you to extend to the citizens of the Hamburg area, that are under the direction of Miss Groh as the group leader, your warm welcome on behalf of the Senate.

The PRESIDENT. Would Miss Ella Groh and the senior citizens from the Hamburg area please rise and would the Senate please give them the traditional warm welcome.

(Applause.)

Senator ORLANDO. Mr. President, I am surprised today to hear our esteemed Senator—we all know his background with chickens—use the word Hamburg in this Chamber to introduce his guests.

REPORTS FROM COMMITTEES

Senator MELLOW, from the Committee on Environmental Resources, reported, as committed, SB 540, 565 and HB 300; as amended, SB 568, 600 and 632.

BILLS INTRODUCED AND REFERRED

Senators LEWIS, HOWARD, COPPERSMITH and JUBELIRER presented to the Chair SB 634, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing penalties relating to controlled paraphernalia for use with drugs or for manufacture of drugs.

Which was committed to the Committee on Judiciary.

Senators LEWIS, ORLANDO, STOUT, STAUFFER and CORMAN presented to the Chair SB 635, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for the authority of, and for the direction and control of, special police.

Which was committed to the Committee on Local Government.

They also presented to the Chair SB 636, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the authority of, and for the direction and control of, special school police.

Which was committed to the Committee on Local Government.

They also presented to the Chair SB 637, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for the authority of, and for the direction and control of, special school police.

Which was committed to the Committee on Local Government.

They also presented to the Chair SB 638, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for the authority of, and for the direction and control of, special school police.

Which was committed to the Committee on Local Government.

Senators SMITH, ARLENE and HANKINS presented to the

Chair **SB 639**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing compensation for an asbestos-related disease.

Which was committed to the Committee on Labor and Industry.

Senators O'PAKE and SMITH presented to the Chair **SB 640**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for Performing Arts Facilities licenses.

Which was committed to the Committee on Law and Justice.

Senators HESS, GEKAS, MOORE, HOPPER and JUBELIRER presented to the Chair **SB 641**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for limitation on rates in certain instances.

Which was committed to the Committee on Consumer Affairs.

Senators FUMO, LLOYD, HANKINS, LYNCH, ZEMPRELLI, SMITH, SCANLON, KELLEY, PECORA, GURZENDA, ROMANELLI, MELLOW, STAPLETON, ROSS, ORLANDO, McKINNEY, LINCOLN, MURRAY, BODACK, SCHAEFER, EARLY, ARLENE, STOUT and GEKAS presented to the Chair **SB 642**, entitled:

An Act prohibiting certain public utility rate increases.

Which was committed to the Committee on Consumer Affairs.

Senators HOPPER and HESS presented to the Chair **SB 643**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the emergency generated by the nuclear crisis in relationship to the length of the school year, the compensation of employes and the graduation of qualified students.

Which was committed to the Committee on Education.

Senators HESS and HOPPER presented to the Chair **SB 644**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding a judge to the court of common pleas of the nineteenth judicial district.

Which was committed to the Committee on Judiciary.

Senators O'PAKE, DWYER, MOORE and HESS presented to the Chair **SB 645**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing the reimbursement by the Commonwealth to school districts for the employment of dental hygienists.

Which was committed to the Committee on Education.

Senator SCANLON presented to the Chair **SB 646**, entitled:

An Act authorizing the Department of General Services, with the approval of the Secretary of Transportation, to sell and convey to Herbeck & Held Printing Company a tract of land within Walker Street and Boyce Street in the Twenty-first Ward in the City of Pittsburgh, Allegheny County, Pennsylvania, lying east and southeast of the property line of lands presently owned by Herbeck & Held Printing Company, containing, in the aggregate .212 acre, more or less.

Which was committed to the Committee on State Government.

Senator TILGHMAN presented to the Chair **SB 647**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," abolishing the State Lottery Commission.

Which was committed to the Committee on State Government.

Senators TILGHMAN and REIBMAN presented to the Chair **SB 648**, entitled:

An Act creating the Joint Committee on Performance Audit Review and the Office of Legislative Postauditor; prescribing their powers and duties; providing for performance postaudits of State departments, commissions, agencies and all other entities supported by public funds; reports to the General Assembly; to provide for the elimination of inactive and overlapping State programs; to require authorization of new budget authority for programs and activities at least every six years; to establish a procedure for zero base review and evaluation of all programs and activities every six years; and prescribing penalties.

Which was committed to the Committee on State Government.

Senators MANBECK, LYNCH, ORLANDO, MELLOW, STAPLETON, McKINNEY, SNYDER, HAGER and REIBMAN presented to the Chair **SB 649**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emission inspections.

Which was committed to the Committee on Environmental Resources.

Senators MANBECK, O'PAKE, COPPERSMITH, ORLANDO, CORMAN and MESSINGER presented to the Chair **SB 650**, entitled:

An Act regulating the acceptance of honorariums by certain officials and employees and providing penalties.

Which was committed to the Committee on State Government.

Senators MANBECK and MESSINGER presented to the Chair **SB 651**, entitled:

An Act relating to the use of refundable beverage containers, establishing container requirements; providing certain powers to the Department of Environmental Resources and the Liquor Control Board and establishing penalties for violation of this act.

Which was committed to the Committee on Environmental Resources.

Senators MANBECK, BELL, O'CONNELL, O'PAKE, ORLANDO, CORMAN, DWYER and MESSINGER presented to the Chair **SB 652**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for amateur radio operator plates.

Which was committed to the Committee on Transportation.

Senators SNYDER, MANBECK and HESS presented to the Chair **SB 653**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the membership of county boards of elections.

Which was committed to the Committee on State Government.

Senators ORLANDO, MELLOW, STAPLETON, FUMO, LYNCH, SMITH, REIBMAN, EARLY, DWYER and McKINNEY presented to the Chair **SB 654**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting certain costs from being passed on to consumers in the form of automatic adjustments to rates.

Which was committed to the Committee on Consumer Affairs.

Senators CORMAN, PRICE, SNYDER, JUBELIRER and SMITH presented to the Chair **SB 655**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the duties of the county board of elections in certain circumstances.

Which was committed to the Committee on State Government.

Senators LINCOLN, FUMO, STOUT and KELLEY presented to the Chair **SB 656**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled "The Pennsylvania Workmen's Compensation Act," increasing certain compensation rates.

Which was committed to the Committee on Labor and Industry.

Senators LINCOLN, SCANLON and FUMO presented to the Chair **SB 657**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," providing for the payment of benefits to employes of educational institutions during the period between successive academic years or terms and periods of holiday or vacation recess.

Which was committed to the Committee on Labor and Industry.

Senators LINCOLN, FUMO and STOUT presented to the Chair **SB 658**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for passage of pre-employment physical examinations of pros-

pective employes.

Which was committed to the Committee on State Government.

Senators LINCOLN and FUMO presented to the Chair **SB 659**, entitled:

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), entitled "Civil Service Act," further providing for changes in status of classified service employes.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 660**, entitled:

An Act repealing the act of August 5, 1941 (P. L. 752, No. 286), entitled "Civil Service Act."

Which was committed to the Committee on State Government.

Senators LINCOLN, FUMO and STOUT presented to the Chair **SB 661**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring administrative agencies to assume additional personnel functions and making a repeal.

Which was committed to the Committee on State Government.

Senators O'CONNELL, CORMAN, DWYER, HESS, PECORA, LOEPER and MOORE presented to the Chair **SB 662**, entitled:

An Act making an appropriation to the Department of Environmental Resources for the Pennsylvania Conservation Leadership School at Stone Valley Recreation Area.

Which was committed to the Committee on Appropriations.

Senators ZEMPRELLI and HAGER presented to the Chair **SB 663**, entitled:

An Act amending the act of April 20, 1917 (P. L. 90, No. 54), entitled "An act constituting a Board of Commissioners on Uniform State Laws; . . ." reconstituting the Board of Commissioners on Uniform State Laws.

Which was committed to the Committee on State Government.

Senators REIBMAN, O'PAKE and GREENLEAF presented to the Chair **SB 664**, entitled:

An Act establishing a scenic and recreation trails system; providing for the designation, administration, regulation and acquisition of scenic, recreation and connecting or side trails and trail rights-of-way; conferring powers and imposing duties upon the Department of Environmental Resources, and providing penalties.

Which was committed to the Committee on Environmental Resources.

Senators REIBMAN, O'CONNELL, MESSINGER, SNYDER, MANBECK, HAGER, COPPERSMITH, O'PAKE and BELL presented to the Chair **SB 665**, entitled:

An act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled "Intangible Personal Property Tax Law," further excluding judgments used to enforce restitution orders.

Which was committed to the Committee on Finance.

They also presented to the Chair **SB 666**, entitled:

An Act amending the act of June 22, 1935 (P. L. 414, No. 182), entitled, as amended, "State Personal Property Tax Act," excluding judgments used to enforce restitution orders.

Which was committed to the Committee on Finance.

Senators REIBMAN, DWYER, BODACK, LOEPER, ROMANELLI, O'PAKE and MESSINGER presented to the Chair **SB 667**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing and administering a program designed to alleviate the problems of school violence, secure the safety of students and teachers and provide an adequate education for disruptive students.

Which was committed to the Committee on Education.

Senators MESSINGER and LEWIS presented to the Chair **SB 668**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for a reduction in certain penalties.

Which was committed to the Committee on Judiciary.

Senators MESSINGER and SCANLON presented to the Chair **SB 669**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the extension of vehicle equipment standards.

Which was committed to the Committee on Transportation.

They also presented to the Chair **SB 670**, entitled:

An Act amending the act of August 9, 1971 (P. L. 286, No. 74), entitled "Disposition of Abandoned and Unclaimed Property Act," decreasing the period of time for property held by political subdivisions to be considered abandoned property.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 671**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," restricting the term of commission members to eight years and providing for vacant positions.

Which was committed to the Committee on Environmental Resources.

They also presented to the Chair **SB 672**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled "State Tax Equalization Board Law," restricting the term of members of the board to four years and providing for vacant positions.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 673**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," restricting the term of members of the commission to six years and providing for vacant positions.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 674**, entitled:

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), entitled, as amended, "Milk Marketing Law," restricting the term of board members to six years and providing for vacant positions.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 675**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the term of Fish Commission members to eight years and providing for vacant positions.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 676**, entitled:

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), entitled "Pennsylvania Thoroughbred Horse Racing Law," restricting the term of members of the commission to three years and providing for vacant positions.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 677**, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "Pennsylvania Harness Racing Law," restricting the term of members of the commission to three years and providing for vacant positions.

Which was committed to the committee on State Government.

They also presented to the Chair **SB 678**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," restricting the term of members of the commission to ten years and providing for vacant positions.

Which was committed to the Committee on State Government.

Senators O'PAKE, TILGHMAN, BODACK, ZEMPRELLI, GURZENDA, ROMANELLI, SCHAEFER and LOEPER presented to the Chair **SB 679**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers and duties of the Department of Health relating to the licensure and regulation of nursing homes.

Which was committed to the Committee on Aging and Youth.

They also presented to the Chair **SB 680**, entitled:

An Act providing for the regulation and licensure of nursing homes by the Department of Health, and establishing fines and penalties.

Which was committed to the Committee on Aging and Youth.

Senators GURZENDA, FUMO, MURRAY, LYNCH, HANKINS, McKINNEY, O'PAKE, ARLENE, KELLEY, LINCOLN, LEWIS, ROSS, REIBMAN, PECORA, HOPPER, LOEPER, LLOYD, SCANLON, MESSINGER, STAPLETON, BODACK, ROMANELLI, JUBELIRER, EARLY, STOUT, SCHAEFER, PRICE, DWYER, BELL, GREENLEAF, CORMAN and COPERSMITH presented to the Chair **SB 681**, entitled:

An Act to provide a prescription plan for the aging.

Which was committed to the Committee on Aging and Youth.

Senators LYNCH, FUMO, LEWIS, LLOYD, SMITH, McKINNEY and HANKINS presented to the Chair **SB 682**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for licenses for performing arts facilities.

Which was committed to the Committee on Law and Justice.

Senators GEKAS, HOPPER, MESSINGER, PECORA and LOEPER presented to the Chair **SB 683**, entitled:

An Act amending the act of January 28, 1966 (1965 P. L. 1625, No. 578), entitled "The Atomic Energy Development and Radiation Control Act," providing for certain notification in the event of malfunctions of nuclear power plants.

Which was committed to the Committee on Consumer Affairs.

Senators HAGER, CORMAN and LEWIS presented to the Chair **SB 684**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," regulating contract procedures, and advertising for bids.

Which was committed to the Committee on Local Government.

Senators ZEMPRELLI, MELLOW, HANKINS, ROSS, GURZENDA, STOUT, STAPLETON, BODACK, REIBMAN, STAUFFER, FUMO, KELLEY, ORLANDO, JUBELIRER, HESS, ANDREWS, HAGER, O'CONNELL, PRICE, LOEPER and DWYER presented to the Chair **SB 685**, entitled:

An Act authorizing and directing the Secretary of the Senate to erect a plaque commemorating the years of dedicated service rendered by Maurice K. Goddard and making an appropriation.

Which was committed to the Committee on Rules and Executive Nominations.

Senators KUSSE and SNYDER presented to the Chair **SB 686**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," changing the penalty for making false statements.

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

GUESTS OF SENATOR EDWARD P. ZEMPRELLI PRESENTED TO SENATE

Senator ZEMPRELLI. Mr. President, I would like for the Senate to acknowledge the presence of Mr. Arthur Parker who is the executive for the Mon-Yough Chamber of Commerce. He has just arrived and is in the balcony for today's Session.

THE PRESIDENT. Would Mr. Parker please stand and would the Senate give him a warm round of applause and welcome.

(Applause.)

Senator ZEMPRELLI. Mr. President, I understand that Mr. Parker also has his son Richard with him who I did not see at first.

The PRESIDENT. We welcome him as well.

(Applause.)

RECESS

Senator ZEMPRELLI. Mr. President, I request a recess of the Senate until 2:30 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 2:30 p.m., Eastern Standard Time.

AFTER RECESS

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

MEETING OF THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ZEMPRELLI. Mr. President, to the Members of the Senate it is imperative that we have a meeting of the Committee on Rules and Executive Nominations immediately in the Rules Committee room to the rear of the Chamber. It is a very, very short meeting for the purpose of reporting one executive nomination.

RECESS

The PRESIDENT. The Senate will be in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL RECOMMITTED

HB 52 (Pr. No. 1077) — Senator PECORA. Mr. President, I move that House Bill No. 52 be recommitted to the Committee on State Government.

On the question,

Will the Senate agree to the motion?

Senator HAGER. 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 HAGER. Mr. President, although the motion was made by the gentleman from Allegheny, Senator Pecora, may I ask the Majority Leader, what is the purpose of the recommitment of this bill?

Senator ZEMPRELLI. Mr. President, it is my understanding from other Members of my caucus that there is a need to study the bill further for the purpose of consideration of additional amendments. I have no other specific knowledge as I am not directly involved with the bill.

Senator HAGER. Mr. President, could the gentleman tell us someone who could, so that the membership may be informed?

Senator ZEMPRELLI. Mr. President, it is my understanding that the Department of Labor and Industry has made a specific request to have the bill back and as an alternate to that it has been recommitted to the Committee on State Government for the purpose of having some advice from the Department of Labor and Industry as to modifications and the consideration of modifications; it may be amended or it may not. For the purpose of deliberation, we have asked to have it recommitted to the Committee on State Government.

Senator HAGER. Mr. President, I thank the gentleman and yield to the gentleman from Luzerne, Senator O'Connell.

Senator O'CONNELL. 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. However, Mr. President, the Minority Leader admonished me to refer him to somebody who was more knowledgeable than I about the subject matter and the history of the request for recommitment. For that reason I am going to yield to the gentleman from Lackawanna, Senator Mellow, who is much more conversant with the subject matter of this legislation.

The PRESIDENT. Will the gentleman from Luzerne, Senator O'Connell, have any objections to interrogating the gentleman from Lackawanna, Senator Mellow?

Senator O'CONNELL. Mr. President, this is Luzerne versus Lackawanna.

Senator MELLOW. Mr. President, Luzerne is going to lose this one.

Senator O'CONNELL. Mr. President, I can tell.

Mr. President, has the gentleman seen the directive of April 12, 1979?

Senator MELLOW. Mr. President, I am not really certain what the gentleman is referring to.

Senator O'CONNELL. Mr. President, the directive from the Secretary of Labor and from Charles Sludden of the Bureau of Occupational and Industrial Safety.

Senator MELLOW. Yes, Mr. President, I have seen it.

Senator O'CONNELL. Mr. President, is the gentleman aware of the problems that some of the school districts in the northeast are facing in relationship to the order to install sprinklers?

Senator MELLOW. Mr. President, yes I am aware of the problems we have in the northeast because I have some school districts in my Senatorial District that have the problem. I have also discussed it with a number of other Members of the Senate and it is not common only to the northeast, it is really a State-wide problem.

Senator O'CONNELL. Mr. President, as I understand from the letters which I have received and the conversations which I have had with the school districts, it is not that they object really to the installation of the sprinkler systems in the newer installations, if they could provide the water, the problem is that they are dependent upon water and the sprinkling systems will not function unless they have adequate pressure. That forces them into two alternatives: one is to erect a high tank, a superstructure, that would be approximately eighty feet in the air, to develop enough force to activate it, or to go to a pressurized system. Both of these give them problems because of the inadequacy of the water supply, not that they object to doing it, in the newer installations, but the problem is that they will not function because of an inadequate water supply. They would like to have an alternative. They have made several recommendations but I guess no one really is listening. They have even agreed to put on fire guards and to do a number of other things that would offer the maximum amount of protection as opposed to the waste of the taxpayers money by installing sprinklers.

Mr. President, in some of the other instances, there are proposed new schools. That school will probably be built within the next four to five years and at the same time the Department of Labor and Industry is forcing them into spending substantial amounts of money to install the sprinkler systems which still will not properly function because of inadequate water pressure. Really, all they are looking for is a variance. They are looking for some assistance in a very difficult situation and this directive, in my opinion, does little to assist.

The PRESIDENT. It has been pointed out to the Chair that the debate at the moment is not germane to the motion which is to recommit this bill to the Committee on State Government. If we could maintain debate germane to that motion, then we may proceed.

Senator MELLOW. Mr. President, I will go on with the ruling of the Chair and as I said before Luzerne will lose today.

Senator PECORA. Mr. President, I would like to bring to the attention of the Senatorial Body here the fact that I have received many letters in opposition, many letters from citizens in Pennsylvania. They are now aware of what this House bill can do in their municipalities.

The PRESIDENT. Senator, the motion is debatable only as it is germane to recommitment, not to the body of the bill.

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

The PRESIDENT. House Bill No. 52 is recommitted to the Committee on State Government.

PERMISSION TO ADDRESS SENATE

Senator O'CONNELL asked and obtained unanimous consent

to address the Senate.

Senator O'CONNELL. Mr. President, I would just like the record to show that I opposed the recommittal of House Bill No. 52.

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

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 203, CALLED UP
OUT OF ORDER**

Senator ZEMPRELLI, without objection, called up from page 7 of the Calendar, Senate Concurrent Resolution, Serial No. 203, entitled:

Memorializing the President and Congress to urge the German Federal Republic to abolish or extend the statute of limitations relating to Nazi war crimes.

On the question,
Will the Senate adopt the resolution?

Senator ZEMPRELLI. Mr. President, I would ask that the roll call on Senate Concurrent Resolution, Serial No. 203 serve as the master roll call for the day, if that procedure is going to be followed.

And the question recurring,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 203, ADOPTED**

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 203.

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

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

YEAS—49

Andrews,	Hankins,	Lynch,	Reibman,
Arlene,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	McKinney,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kusse,	O'Connell,	Stapleton,
Fumo,	Lewis,	O'Pake,	Stauffer,
Gekas,	Lincoln,	Orlando,	Stout,
Greenleaf,	Lloyd,	Pecora,	Tilghman,
Gurzenda,	Loeper,	Price,	Zemprelli,
Hager,			

NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative, and the resolution was adopted.

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

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 207, CALLED UP
OUT OF ORDER**

Senator ZEMPRELLI, without objection, called up from page

7 of the Calendar, Senate Concurrent Resolution, Serial No. 207, entitled:

Memorializing the President and Congress to maintain specialty steel import limitations.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 207, ADOPTED**

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 207.

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 RESOLUTION, SERIAL NO. 35,
TAKEN FROM THE TABLE**

Without objection, Senator KELLEY called from the table Senate Resolution, Serial No. 35, entitled:

Urging Senate of Pennsylvania to inform President Carter that further restrictions on sulfur dioxide emissions would be inimical to the best interests of the United States.

On the question,
Will the Senate adopt the resolution?

Senator KELLEY. Mr. President, for the edification of my colleagues, I would like to point out that there is a correction of the misprint, or the clarification of printing on page three, line four, where the last word is "examine."

And the question recurring,
Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 35, ADOPTED**

Senator KELLEY. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 35.

The motion was agreed to and the resolution was adopted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 65 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

SB 276 (Pr. No. 278) — Considered the third time,

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

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

Amend Sec. 1, page 2, line 2, by inserting after "purposes": , but not including activities relating to existing highways such as, but not limited to, widening roadways, reconstruction or the elimination of curves,

Amend Sec. 1, page 2, line 3, by inserting after "material": but not including underground pipes used to transport waste

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 STAPLETON.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 1 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

HB 98 (Pr. No. 109) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 226 and 283 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILLS ON SECOND CONSIDERATION

SB 295 (Pr. No. 298), SB 308 (Pr. No. 312), SB 316 (Pr. No. 561), SB 321 (Pr. No. 568) and SB 334 (Pr. No. 338) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 360 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 364 (Pr. No. 572) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 366 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS REREFERRED

SB 410 (Pr. No. 416) and SB 433 (Pr. No. 562) — Upon motion of Senator ZEMPRELLI, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 434, 435 and 443 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL REREFERRED

SB 447 (Pr. No. 458) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 456 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 467 (Pr. No. 483) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 482 (Pr. No. 518) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

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

BILL REREFERRED

SB 501 (Pr. No. 521) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 502, 593, 594, 595, 596 and 597 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator FUMO, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, Governor Shapp, which was read by the Clerk as follows:

MEMBER OF THE STATE HARNESS RACING COMMISSION

January 9, 1979.

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 J. Fitzpatrick, Jr., 723 Winchester Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years, and until his successor shall have been appointed and qualified, vice Edward J. Kane, Newtown Square, whose term expired.

MILTON J. SHAPP.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FUMO,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATION

Senator FUMO asked and obtained unanimous consent for immediate consideration of the nomination made by His Excel-

lency, Governor Shapp, and reported from committee at today's Session.

NOMINATION TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk.

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

Senator LOEPER. Mr. President, I would like to take this opportunity to speak on behalf of the nomination of Francis Fitzpatrick to the State Harness Racing Commission. He is a resident of the Twenty-sixth Senatorial District in Delaware County, a gentleman that has been active for many years in governmental affairs and currently serving as Vice-President of the Franklin Mint. I would ask for concurrence of confirmation for the nomination of Francis J. Fitzpatrick.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—49

Andrews,	Hankins,	Lynch,	Reibman,
Arlene,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	McKinney,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kusse,	O'Connell,	Stapleton,
Fumo,	Lewis,	O'Pake,	Stautfer,
Gekas,	Lincoln,	Orlando,	Stout,
Greenleaf,	Lloyd,	Pecora,	Tilghman,
Gurzenda,	Loeper,	Price,	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.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as amended, **HB 36**.

Senator LEWIS, from the Committee on Local Government, reported, as amended, **SB 198** and **432**.

Senator LYNCH, from the Committee on Transportation, reported, as committed, **SB 228, 319, 335, 347, 348, 367** and **HB 60**; as amended, **HB 305**.

BILL REREFERRED

Senator REIBMAN, from the Committee on Education, returned to the Senate **HB 417**, which was rereferred to the Committee on Appropriations.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Benedict Milbert, Mr. and Mrs. Anthony Tomaro, Mr. and Mrs. John E. Defibaugh, Clifford T. Early and Arlene Paklay by Senator Early.

Congratulations of the Senate were extended to Helen H. Stevens by Senator Hopper.

Congratulations of the Senate were extended to the Very Reverend Joseph F. Gasho by Senator Gurzenda.

Congratulations of the Senate were extended to Mr. and Mrs. George Church by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph F. DiGaetano by Senator Lynch.

Congratulations of the Senate were extended to the Holy Trinity "A" Girls Basketball Team by Senator Hess.

Congratulations of the Senate were extended to Mr. and Mrs. Jay C. Buterbaugh, Mr. and Mrs. William Lemmon, Mr. and Mrs. Harry J. Conner, Mr. and Mrs. Russell Smathers and to Blair London by Senator Stapleton.

Congratulations of the Senate were extended to Larry Bruno by Senator Ross.

Congratulations of the Senate were extended to Police Officers Frank Eberle and Daniel McCann by Senator Fumo.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Stanley L. Blair by Senator Dwyer.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Dr. Charles R. Drew was extended to Mrs. Lenore Drew by Senator Hankins.

BILLS ON FIRST CONSIDERATION

Senator ZEMPRELLI. 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 198, 228, 319, 335, 347, 348, 367, 432, 540, 565, 568, 600, 632, HB 36, 60, 300 and **305**.

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

HOUSE MESSAGE**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**

WEDNESDAY, APRIL 25, 1979

10:00 A.M.	JUDICIARY and House Judiciary Committee (Hearing on Senate Bills No. 49, 450 and House Bill No. 640)	Supreme Court Chambers, Main Capitol Bldg.
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THURSDAY, APRIL 26, 1979

10:00 A.M.	APPROPRIATIONS (Budget Hearing with the Judiciary)	Senate Majority Caucus Room
10:00 A.M.	LAW AND JUSTICE (Public Hearing on Senate Bills No. 205, 262 and 549)	Senate Minority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Aging)	Senate Majority Caucus Room

FRIDAY, APRIL 27, 1979

1:00 P.M.	JUDICIARY (Public Hearing on Senate Bill No. 544)	Gold Room, Allegheny County Court House, Pittsburgh, PA.
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MONDAY, APRIL 30, 1979

10:00 A.M.	Subcommittee of STATE GOVERNMENT (Public Hearing on Senate Bills No. 287 and 322)	Senate Majority Caucus Room
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11:30 A.M.	JUDICIARY (to consider House Bill No. 39)	Senate Minority Caucus Room
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TUESDAY, MAY 1, 1979

9:30 A.M.	AGING AND YOUTH (to consider proposals for a drug prescription assistance program for the elderly)	Senate Majority Caucus Room
10:00 A.M.	EDUCATION (to consider Senate Bills No. 132, 258, 306, 429 and 449)	Room 188

WEDNESDAY, MAY 9, 1979

9:30 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 308)	Senate Majority Caucus Room
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ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Monday, April 30, 1979, at 3:00 p.m., Eastern Daylight Saving Time.

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

Senator STAUFFER. 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 STAUFFER. Mr. President, before we adopt this adjournment motion, I wonder if the gentleman from Allegheny, Senator Zemprelli, could inform us if there is anticipated any votes on Monday?

Senator ZEMPRELLI. Mr. President, I would suspect that there would be, at least for the establishment of the master roll call. I think there are at least one or two other measures that may require a roll call vote, one of which is Senate Bill No. 65. I am certain that the proposed amendments to Senate Bill No. 65 will require roll call votes.

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

The motion was agreed to.

The Senate adjourned at 4:25 p.m., Eastern Standard Time.