

Legislative Journal

WEDNESDAY, MAY 30, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 29

SENATE

WEDNESDAY, May 30, 1979.

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

Father, we ask Thee to help us, to guide us into a finer way of living. Check our impulse to spread ourselves so thin that we are exposed to fear and doubt, to the weariness and impatience that makes our tempers wear thin, that robs us of peace of mind, that makes skies gray when they should be blue, that stifles a song along the corridors of our heart.

May we have the mercy of God to forgive us. The strength of God to make us resolute to do His will. The grace of God to be kind and tender and affectionate to one another. The patience of God to believe in the ultimate triumph of Thy kingdom on earth. This we ask in His name in whom all peace resides. 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.

MEMBERS ON LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I am requesting legislative leaves of absence on behalf of Senator Quentin Orlando and Senator Robert Mellow.

The PRESIDENT. Senator Zemprelli asks legislative leaves of absence for Senator Orlando and Senator Mellow. Are there any objections? The Chair hears none, leaves are granted.

Senator HAGER. Mr. President, there are at least two committee meetings going on at the moment, one of which is a public hearing of the Committee on Consumer Affairs. For those Republican Members of the committee who are at that hearing on the nomination of Robert Bloom to the Public Utility Commission, I shall be voting for them and for them I ask a legislative leave of absence, which will have to be a floating leave of absence because some of them may appear on the floor; but in

their absence, I will be voting Senator Hess, Senator Jubelirer and Senator O'Connell.

Senator Bell, who is the Minority Chairman of the Committee on Consumer Affairs, is at that hearing and until he comes back I shall be voting him.

Also, Mr. President, I believe a meeting of the Committee on Transportation is still in process.

Senator ZEMPRELLI. Mr. President, in view of the fact that there are also a number of Democratic Senators attending a meeting of the Committee on Consumer Affairs, I would hope that, perhaps, by the time we reach a roll call on the Calendar those meetings would be dispensed with.

Mr. President, I would also wish to advise the Senate that the fact that committee meetings are being called at that time which is customarily the time for the Senate to be in Session, is not in order. I do not think it is fair to the other Senators and we are going to make every effort to see that this does not recur. I would hope in view of the fact that those meetings are in progress, if we reach that point where we come to a roll call, we may, in fact, recess until all Members have the availability of the floor.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 595**, which was referred to the Committee on Aging and Youth.

He also presented for concurrence **HB 1319, 1320, 1321, 1322, 1323 and 1324**, which were referred to the Committee on Appropriations.

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

May 30, 1979.

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 712 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered for the month of May, 1979 for the 163rd Session of the General Assembly. This list also con-

tains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELL, JR.
Secretary of the Senate

CHARLES F. MEBUS
Chief Clerk
House of Representatives

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

GUESTS OF SENATOR GEORGE W. GEKAS PRESENTED TO SENATE

Senator GEKAS. Mr. President, I have the honor of presenting to the Senate a visitor from Merry Ole England, the predecessor to the colonies in which we now live. Muriel Cammack is a lady who lives in Brackley, Northamptonshire in England. She is visiting Heather Hertzler, her daughter, who happens to be a naturalized citizen living in the Fifteenth Senatorial District.

Mr. President, I would like the Senate and my colleagues therein to accord these visitors their usual warm welcome.

The PRESIDENT. Will those visitors please rise so that the Senate may give you its traditional warm welcome?

(Applause.)

REPORTS FROM COMMITTEES

Senator EARLY, from the Committee on Constitutional Changes and Federal Relations, reported, as committed, **SB 61, 144, 311 and HB 62.**

Senator LYNCH, from the Committee on Transportation, reported, as committed, **SB 290, 696, 763, HB 178 and 247;** as amended, **HB 177.**

RESOLUTION REPORTED FROM COMMITTEE

Senator EARLY, from the Committee on Constitutional Changes and Federal Relations, reported without amendment, Senate Concurrent Resolution, **Serial No. 208,** entitled:

Petitioning Congress appropriate Federal impact aid to Pennsylvania for replacement fuel costs due to shutdown of Three Mile Island.

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

BILLS INTRODUCED AND REFERRED

Senators O'PAKE, STAPLETON, MESSINGER and LLOYD presented to the Chair **SB 781,** entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, restricting the right of statewide officeholders to seek election for other State or local elective offices.

Which was committed to the Committee on Constitutional Changes and Federal Relations.

Senators O'PAKE, GREENLEAF, REIBMAN and GURZENDA presented to the Chair **SB 782,** entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for determinations of competency and administering the estates of individuals declared to be incompetent or incapacitated.

Which was committed to the Committee on Judiciary.

Senators REIBMAN, MESSINGER, ARLENE, MURRAY, ROMANELLI and GREENLEAF presented to the Chair **SB 783,** entitled:

An Act amending the act of August 24, 1963 (P. L. 1132, No. 484), entitled "Community College Act of 1963," further providing for payments by the Commonwealth.

Which was committed to the Committee on Education.

Senators REIBMAN, DWYER and O'PAKE presented to the Chair **SB 784,** entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," authorizing exemptions from certain taxes.

Which was committed to the Committee on Local Government.

Senators LEWIS, DWYER and LLOYD presented to the Chair **SB 785,** entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for maximum single life annuity.

Which was committed to the Committee on Education.

Senators MANBECK, BELL, LINCOLN and STAUFFER presented to the Chair **SB 786,** entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for the determination of simultaneous payments of salary and retirement allowance by increasing certain time spans.

Which was committed to the Committee on Local Government.

Senators ZEMPRELLI and SCANLON presented to the Chair **SB 787,** entitled:

An Act amending the act of June 24, 1937 (P. L. 2017, No. 396), entitled "County Institution District Law," providing for annual salaries for treasurer in counties of the second class for services as officers of the institution district and making editorial changes.

Which was committed to the Committee on Local Government.

Senator HOLL presented to the Chair **SB 788,** entitled:

An Act amending the act of October 4, 1978 (P. L. 893, No. 171), entitled "An act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled 'Pennsylvania Election Code,' providing for the control of donations and contributions to committees, imposing additional duties on candidates and treasurers, requiring certain statements of lobbyists, making certain repeals, and increasing penalties," changing the effective date of the act as to filing of reports.

Which was committed to the Committee on State Government.

He also presented to the Chair SB 789, entitled:

An Act amending the act of October 4, 1978 (P. L. 893, No. 171), entitled "An act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled 'Pennsylvania Election Code,' providing for the control of donations and contributions to committees, imposing additional duties on candidates and treasurers, requiring certain statements of lobbyists, making certain repeals, and increasing penalties," changing the effective date of the act as to filing of reports and providing for certain refunds.

Which was committed to the Committee on State Government.

RECESS

Senator ZEMPRELLI. Mr. President, for the reasons enumerated by me earlier, I would ask that the Senate now stand in recess until the conclusion of the meeting of the Committee on Consumer Affairs. I understand from meeting with the gentleman from Northumberland, Senator Kury, earlier today, the expectations of terminating that meeting prior to our going into Session was not possible due to the number of witnesses who wanted to be heard with respect to the nomination.

Senator HAGER. Mr. President, I was there for Commissioner Bloom's testimony. The gentleman was an hour and fifteen minutes late when he completed his testimony. There are a list of seven or eight additional witnesses. Does the Majority Leader have any idea when we will be coming back today?

Senator ZEMPRELLI. I am advised that the time, Mr. President, would be something less than ten minutes. My last word, Mr. President, was that there was one additional witness to be heard and it would be ten minutes, at most fifteen minutes, and I would suggest the Senators remain in their seats until the completion of that hearing.

The PRESIDENT. Pending termination of the meeting of the Committee on Consumer Affairs, the Chair declares the Senate in recess.

AFTER RECESS

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

MEMBERS ON LEGISLATIVE LEAVE

Senator HAGER. Mr. President, there is now a Legislative Budget and Finance Committee meeting at which Senator Smith and Senator Jubelirer are in attendance. Senator Zemprelli asks permission to vote Senator Smith, and I ask permission to vote Senator Jubelirer. Further, Senator O'Connell has had to leave the floor for a meeting in his office with officials from the University of Pennsylvania Veterinary School. He is on legislative business, and until his return, I shall be voting him.

The PRESIDENT. Senator Zemprelli asks legislative leave of absence for Senator Smith and Senator Hager asks legislative leaves of absence for Senator Jubelirer and Senator O'Connell.

Are there any objections? The Chair hears no objection, and the leaves are granted.

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, at yesterday's roll call, I was inadvertently detained at a meeting in another part of the Capitol and was not able to vote on Senate Bill No. 316. Had I been present, I would have voted in the affirmative.

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

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 970 (Pr. No. 1599) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli.
Hager,	Loeper,		

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.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 59 (Pr. No. 61) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, sometimes as an elected Sen-

ator or House Member, the front office does not listen to our advice and consent. Sometimes you feel like a voice in the wilderness when you try to give what you think is good advice but you are told by those in the front office, the Governor or Secretary of Transportation, who have been up here the very long period of what, four months, they know all the answers.

Mr. President, I have been endeavoring to solve the highway construction problem in this Commonwealth by calling to the attention of the Governor and the Secretary of Transportation that construction of highways, which is capital improvement, should be paid for with bonds. I have been told in plain language, very plain, that this new Governor and this new Secretary of Transportation intend to pay for the construction of highways out of current revenues. I have called to their attention this is not the way you do business in America; that anybody who would buy a house and pay for it out of his current earnings would probably go to jail for income tax evasion or for theft. The whole concept of the new Governor with respect to highway construction, capital expenditures being paid out of current revenue, I think, is very foolhardy.

For one thing, Mr. President, these bonds—and this applies to House Bill No. 59 in front of us, which is a capital expenditure—on highways will not mature for twenty-five to thirty years. At that time our debt structure is such that we would only be paying off maturities of about \$80 million, not the \$200 million we are paying off this year.

Therefore, Mr. President, on all capital budget bills, and henceforth until somebody advises the Governor that he ought to build highways with bond issues, I will vote “no.” This is no offense to this present undertaking—normally I would be the second or third person to vote “yes” on it—but I am protesting the Governor’s action in completely blocking highway construction by a very shortsighted viewpoint.

Senator KUSSE. Mr. President, I would just like to point out to my colleagues it was through the efforts of the late Senator Frame, my predecessor, that the common facilities building was constructed at the University of Pittsburgh campus in Bradford. That building is now complete and it has no furnishings. House Bill No. 59 proposes to appropriate the money for those furnishings. I hope we might have an affirmative vote.

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—48

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

NAYS—2

Bell, Snyder.

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

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

SB 188 (Pr. No. 845) — 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?

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

POINT OF INFORMATION

Senator ZEMPRELLI. Mr. President. I rise to a point of information.

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

Senator ZEMPRELLI. Mr. President, as a matter of information, was Senator Hankins voted?

The PRESIDENT. No, Senator ZEMPRELLI.

Senator ZEMPRELLI. Mr. President, Senator Hankins wishes to be voted in the affirmative. Senator Hankins is also attending the same meeting that Senator Smith and Senator Jubelirer are attending.

Senator HOWARD. Mr. President, would you please change my vote 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—42

Andrews,	Hess,	McKinney,	Reibman,
Arlene,	Holl,	Mellow,	Romanelli,
Bodack,	Hopper,	Messinger,	Ross,
Coppersmith,	Howard,	Moore,	Scanlon,
Corman,	Jubelirer,	Murray,	Schaefer,
Early,	Kury,	O’Connell,	Smith,
Fumo,	Lewis,	O’Pake,	Stapleton,
Greenleaf,	Lincoln,	Orlando,	Stauffer,
Gurzenda,	Lloyd,	Pecora,	Stout,
Hager,	Loeper,	Price,	Zemprelli.
Hankins,	Lynch,		

NAYS—8

Bell, Gekas, Kusse, Snyder,
Dwyer, Kelley, Manbeck, Tilghman.

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

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

SB 210 (Pr. No. 211) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli.
Hager,	Loeper,		

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

SB 226 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 299 (Pr. No. 802) — 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,	Hess,	Lynch,	Reibman,
Arlene,	Holl,	Manbeck,	Romanelli,
Bell,	Hopper,	McKinney,	Ross,
Bodack,	Howard,	Mellow,	Scanlon,
Coppersmith,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hankins,	Loeper,	Price,	Zemprelli.

NAYS—2

Corman, Hager.

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

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

HB 300 (Pr. No. 1520) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli.
Hager,	Loeper,		

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.

SB 496 (Pr. No. 830) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli.
Hager,	Loeper,		

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

HB 510 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 518 (Pr. No. 538) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator EARLY. Mr. President, it came to my attention through one of my constituents that we do have a problem with the Liquor Code in Pennsylvania. I am sure many of you are not aware that many people in your district are breaking the law in doing something they think is fair and proper. Many of your private clubs, your hotels, any establishment that holds a liquor license, either a restaurant, hotel or club license, who permit teenagers on the premises, is, basically, breaking the law, unless they are there with their parents and closely supervised one to one.

Mr. President, I am sure in many of your areas the Elks Club is opening their facilities for teenage dances, for proms, perhaps weddings, and they are definitely breaking the law. There has been case after case, one that was supplied to me by the Liquor Control Board, and I will read a part of it: The subject is a licensee of the board having licensed premises located in the Hazleton Shopping Center, West Broad Street in Hazleton. The licensee, as a matter of practice, closed his premises each Wednesday to the public. Certain officials of the Borough of Hazleton have given approval for the use and operation of these premises as a discotheque for persons under twenty-one years of age. That included the mayor, the chief of police, a juvenile officer, and a chief of the Hazleton Detective Agency.

The following persons and organizations endorsed the program: Members of the Hazleton Retail Merchants Committee, President of the Hazleton Area School Board.

The following persons will provide supervision: Representatives of the Catholic Church, representatives of the public schools, employees of the licensee, employees of the detective agency hired by the licensee.

Mr. President, it was determined this was unlawful and it cannot be done. It shall be unlawful for any hotel, restaurant or club liquor license or any retail dispenser, his servants, agents or employees to permit persons of ill repute, known criminals, prostitutes or minors to frequent his licensed premises or any premises operating in connection therewith, except minors accompanied by parents, guardians or under proper supervision.

The point is, what is proper supervision? "Proper supervision," in a case handed down by the Supreme Court, states "Therefore the issue being asked is a simple one." This is their conclusion: May a licensee supply the code requirement of proper supervision of minors who frequent their premises? The answer is obviously no. Otherwise the provision requiring supervision would be meaningless since any licensee who operated a well supervised establishment could permit minors to frequent it as long as they were not served intoxicating bev-

erages. We are required to give meaning to the provision referred to and we conclude that the Legislature intended the words, "accompanied by parents, guardians or under proper supervision" to mean that someone associated with the minor must accompany him so to give him particular supervision. General supervision afforded by the licensee or even by a police officer hired for that purpose would not meet the requirement of this code.

I could go on, Mr. President, and cite you case after case after case where it has been determined by higher courts that proper supervision means immediate supervision. Therefore, Mr. President, any licensee who does open his establishment to teenagers with the alcoholic beverages removed is, by law, breaking the law.

I think it is unfair for the teenagers, Mr. President, because we have situations where individuals such as the case I cited in Hazleton—the case in my particular area—where they would like to open these discotheques to teenagers one day a week. They would like to have these teenagers frequent it, and again with the alcoholic beverages totally out of sight, locked up and in a separate room. It would provide an opportunity for the teenagers to go in and dance since the discotheque has become very popular in this day and age.

What I am saying, with this particular legislation, Mr. President, is to give the teenagers an opportunity to dance in these very expensive establishments at least one night a week and let them do that without having the owner of this particular establishment cited for doing something improper where perhaps, most of them do not even realize that they are definitely breaking the law.

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

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

Senator EARLY. I will, Mr. President.

Senator SCHAEFER. Mr. President, will the gentleman from Allegheny, Senator Early, explain to us if there are any provisions in Senate Bill No. 518 which would prohibit the sale or distribution of alcoholic beverages on these premises during the time these minors were occupying it?

Senator EARLY. Mr. President, Senate Bill No. 518 specifically states it must be locked up. There is no way they can sell any alcoholic beverages to the teenagers.

Senator SCHAEFER. Mr. President, would they be allowed to distribute alcoholic beverages to people who are on the premises who are not teenagers?

Senator EARLY. The answer, Mr. President, is no.

Senator SCHAEFER. Mr. President, it is safe to conclude then that there could be no distribution of alcoholic beverages whatsoever on the premises during the time that the minors use these particular premises?

Senator EARLY. Mr. President, the answer to that is yes.

Senator SCHAEFER. Thank you, Mr. President.

Senator EARLY. Mr. President, I have here a letter from the Liquor Control Board indicating they are for Senate Bill No. 518 and they tell me at the present time it is practically impossible for them to enforce the provisions of the Liquor Code

unless this legislation is passed.

And the question recurring,
Shall the bill pass finally?

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

Senator HAGER. Mr. President, I would like my vote to be recorded as "no" rather than "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—37

Andrews,	Gurzenda,	Lloyd,	Price,
Arlene,	Hankins,	Lynch,	Reibman,
Bodack,	Holl,	McKinney,	Romanelli,
Coppersmith,	Howard,	Mellow,	Ross,
Corman,	Jubelirer,	Messinger,	Scanlon,
Dwyer,	Kelley,	Murray,	Schaefer,
Early,	Kury,	O'Connell,	Smith,
Fumo,	Lewis,	O'Pake,	Stout,
Gekas,	Lincoln,	Orlando,	Zemprelli,
Greenleaf,			

NAYS—13

Bel,	Kusse,	Moore,	Stapleton,
Hager,	Loeper,	Pecora,	Stauffer,
Hess,	Manbeck,	Snyder,	Tilghman,
Hopper,			

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 525 (Pr. No. 545) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,	Loeper,		

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 532 (Pr. No. 552) — 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—50

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,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,	Loeper,		

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.

BILLS OVER IN ORDER

SB 540 and 565 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 632 (Pr. No. 829) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, it is my intention to vote against Senate Bill No. 632 for two reasons. Number one, the General Assembly in its wisdom many years ago established a Public Utility Commission and gave that Public Utility Commission the right to structure the rates charged by the public utilities of Pennsylvania. The Public Utility Commission has assembled its staff of experts, people who are charged with the responsibility of doing a thorough job of investigating and determining what the appropriate rate structure for public utilities should be.

Mr. President, I think this Senate will make a horrible mistake if it now tries to intervene in that process. I believe it is incumbent upon the Senate to let the Public Utility Commission carry out the mandate that we have given it and which it has carried out through the years.

Secondly, I am very concerned about a provision in Senate Bill No. 632, which indicates that the utility must prove that it is without fault if it is to have a rate increase approved and

then looking at the definition of fault, I note that the defective condition, or defective component part of a facility is considered a fault of the utility. I would submit this to the Members, Mr. President: Imagine the situation of buying from a supplier or a constructor or a designer of a utility plant and then finding out that because one of the pumps they sold you when they constructed that plant was defective, perhaps the gasket was improper, or failed, or some minor problem like that might arise which was purely a fault, and really a fault of the manufacturer of the component, the utility would be determined to be at fault and would have to prove that it was not at fault. This is kind of a reversal of what historically has been the concept of guilt or fault in the American system, and I do not believe it is timely that we reverse that time honored procedure at this time.

For those two reasons, Mr. President, I believe my best judgment would be to vote in the negative on Senate Bill No. 632.

Senator O'PAKE. Mr. President, as the gentleman from Dauphin, Senator Gekas, indicated last week, no issue or incident of 1979 has caused as much anger and anguish in our districts, namely districts close to Three Mile Island and served by Met-Ed and Penelec, as the Three Mile Island accident.

Those of us who represent Met-Ed ratepayers and Penelec ratepayers, I am sure, have been bombarded with demands by our constituents to do something to prevent the long suffering ratepayer from paying once again for somebody else's mistake at Three Mile Island.

Consider their frustrations: First of all, my constituents are forced to buy from Met-Ed. They were not asked whether Met-Ed should build that nuclear reactor at Three Mile Island, they were not asked whether they thought it was cheaper to go nuclear, they were not asked whether they felt safe with a nuclear plant so close to their homes and their businesses. No, they were told that something like Three Mile Island could never happen. They were told that they would have to pay a \$49 million rate increase so that that plant could be operational by the end of December, 1978. Now they are being told, once again, they will be stuck with the bill.

My constituents are fed up. There is no way they want to pay for somebody else's mistake. Senate Bill No. 632 is an attempt to force a determination by the Public Utility Commission as to who is at fault and to make the costs follow that fault. One thing is clear, the ratepayer is entirely without fault. The gentleman from Chester, Senator Stauffer, who does not represent Met-Ed ratepayers, says that the PUC has a mandate. Yes, that is true. We have written the Public Utility Code and now we are giving them a new mandate in light of the horrors and in light of the unique potential for danger that the nuclear industry has brought to the scene. He says, this is a new concept of fault. First of all, who is in a better position to disclose the facts as to what actually happened within Three Mile Island than the utility that owns that plant. Admittedly, they have not been entirely above board and as thorough in their factual presentation as many of us wish they would have been, but it is analogous to the doctrine in the law of *res ipsa loquitur*. When something happens and the control of that object is within the peculiar unique control of the individual, that person must respond and explain what happened.

Mr. President, if we let the ratepayer automatically pick up the cost of what happened, or as the gentleman from Chester, Senator Stauffer, would have us await a determination that Babcock and Wilcox, or some other nuclear regulatory agency perhaps was at fault, the ratepayer in the meantime would be paying all those additional costs. Those of us who are served by Met-Ed know how difficult it is to get money back once they have collected it, perhaps improperly, as in a prior case involving overcharges on coal contracts.

Mr. President, there are generally three kinds of costs or expenses related to the Three Mile Island incident. The first is the \$49 million rate increase which was granted to Met-Ed by the Public Utility Commission just one week before March 28th. That is the day the accident happened at Three Mile Island. The bulk of that \$49 million rate increase was to make Three Mile Island No. 2 operational. Implementation of that rate increase has been temporarily suspended for six months by the PUC. I was delighted to hear today that the PUC Staff has recommended to the Commissioners, and that happened this morning, that that not be restored. The second cost is the cost of the replacement energy being purchased off the grid by Met-Ed and Penelec. This is estimated to be costing between \$10 million and \$20 million a month. Unless we, or the PUC, do something promptly, the cost of this \$10 or \$20 million a month will be passed on to the customer automatically through the net energy clause in approximately one month. Questions have been raised, by the way, as to whether these utilities are buying the most economical replacement energy. There is no incentive for them to do so if they can automatically pass this cost on in the electric bill through the net energy clause. Someone also suggested that since Three Mile Island No. 1 was also shut down, some of the replacement energy being purchased is the result of Three Mile Island No. 1 being non-operational. Since Three Mile Island No. 1 has already been included in a prior rate base, we must be very careful that ratepayers do not pay again for this replacement energy.

The third type of cost is the cleanup cost. Who pays this cost will probably be decided based on the amount of pressure that can be exerted by customers on the PUC and on Washington. Both U. S. Senators have stated publicly their opposition to the customer or the ratepayer paying.

Mr. President, Senator Richard Schweiker wrote in a letter to me, of May 7, 1979, from which I quote: "It would be dead wrong for the company to shift costs it incurs as the result of its own mistakes and mismanagement on to customers."

The sum and substance of Senate Bill No. 632, Mr. President, is to protect the ratepayer from paying a \$49 million rate increase plus the cost of the replacement energy, plus the cleanup costs. In my judgment it is eminently fair, it is sensible, and with the concept of fault written into it here, it appears to be constitutionally sound. I urge all my colleagues be counted in favor of the long-suffering Met-Ed and Penelec ratepayer and in favor of Senate Bill No. 632.

While it was our constituents who were affected this time, who knows whose constituents it will be next time.

Senator BELL. Mr. President, the gentleman from Berks, Senator O'Pake, completely misunderstood the presentation of

the gentleman from Chester, Senator Stauffer. I thought Senator Stauffer made a very simple presentation to the effect that this is a matter which should be determined by the Public Utility Commission, who has the expertise, who is conducting the hearings right now, and not by the Senate of Pennsylvania.

Mr. President, I would like to go a little bit further on that. I tried to copy down some of the comments of the gentleman from Berks, Senator O'Pake. I do not take shorthand, but the gentleman said no issue caused such anguish. The gentlemen are properly concerned with Penelec. The gentleman from Dauphin, Senator Gekas, the gentleman from York, Senator Hess, the gentleman from Cumberland, Senator Hopper, and the gentleman from Cambria, Senator Coppersmith, are very concerned that their constituents are suffering the anguish—locally more anguish than out in Johnstown or up in Reading—because here they had the fallout anguish on top of the price increase anguish. These Senators are very properly coming here to the Senate and saying, "Our people who vote for me do not want to have to pay the bill."

Mr. President, let us just change the scene. Let us go to three years from now when Philadelphia Electric comes up with a real boo-boo and says we are going to raise everybody's electric rates fifty per cent. Then my constituents would have no issue cause such anguish. Consider their frustrations. They have to buy from Philadelphia Electric. The people in my district did not ask them to build these generators. My constituents are fed up. The ratepayer is entirely without fault. This could happen to my neighborhood or your neighborhood, and gentlemen and Mrs. Reibman, the lady from the Senate, I am going to tell you something, once we in the Senate determine rates for public utilities, whether they come from a nuclear incident, from a flood or anything else, we are setting a precedent. We are going to replace a quasi judicial commission known as the Public Utility Commission, which with its predecessor, I believe, has determined these questions since 1915. This morning in the hearings we heard that when they had floods, they have had cases like this before, there is precedent. What we are going to do, we are going to put reins on the PUC instead of having it as an independent commission to find its decisions on the facts and laws that face us, and we are going to be the forum to set rates in the future.

Mr. President, I think this is the question that the gentleman from Chester, Senator Stauffer, raised on the floor. Do we, the Senate, want to supersede and replace in whole or in part, even a small part, the camel's nose part, whether we wish to supersede the PUC and we, who are responsive to the voters, and I am sure there are more ratepayers than there are shareholders, and are we going to set a precedent so in the future we will have some input as to what is paid for rate increases or not?

Senator COPPERSMITH. Mr. President, in listening to the gentleman from Delaware, Senator Bell, I think he touched on really what is the basic issue involved here. As I discussed at the committee hearing this morning on Commissioner Bloom's confirmation, you have two competing values. One is that we have to afford through rates an adequate flow of income to the utilities so that they can operate properly and have enough money to maintain their plants and give the service that we

expect of them.

Secondly, Mr. President, we expect the utilities to operate efficiently and with the greatest economy, and we do not want to subsidize every mistake they make and every inefficiency that occurs in their operation, and it is how to give them a rate structure that will not encourage inefficient operation. Because as I like to say, one of the problems of the utility business is that you do not have a free market system that penalizes inefficient operation or managers who are not as competent as they should be.

Mr. President, contrary to what the gentleman from Delaware, Senator Bell, has said about this is the Legislature intervening into a rate setting matter, I think what Senate Bill No. 632 tries to do is to enunciate a policy of how to strike the balance between these two conflicting values. I agree that Senate Bill No. 632, perhaps, is inartistic in certain areas and creates certain drafting problems. It is not completely attuned to the problem that has arisen because of the Three Mile Island disaster.

However, Mr. President, I am going to vote for it, because by voting to pass Senate Bill No. 632, I am trying to indicate to the Public Utility Commission that they have to be much more aggressive, much more intelligent and much more alert to try to devise mechanisms so that inefficient operations and incompetency is not subsidized merely by increasing the rates and that the heart of the problem is not dealt with directly.

Mr. President, the actions that have occurred since Three Mile Island have not given me any confidence that the utilities have gotten the message that they have to tighten up their operations and have a more farsighted and clear-eyed idea of where they are going.

For instance, Mr. President, take cost overruns and construction of utility plants. It is estimated there was a \$500 million cost overrun at Three Mile Island. All that is built into the rate base and the rates are based on those overruns. There is an economic inducement, so to speak, to be inefficient in building plant capacity. I am suggesting, perhaps, the Public Utility Commission could have some kind of penalty, that after an overrun exceeds twenty or twenty-five per cent, not all the overrun would be put into the rate base and, therefore, there would be an economic inducement to be more efficient in construction of plant capacity. That is just one type of proposal that should be examined. I think in passing Senate Bill No. 632, the Senate is saying to the public utilities and to the Public Utility Commission it is time to call a halt to blindly assuming that every utility is operated properly and competently. Studies show this is not so. We have some utilities in Pennsylvania that have very good operations, and we are proud to have them in the State, and others that certainly do not meet the high standards of certain utilities.

Mr. President, I think by passing Senate Bill No. 632 we are giving a signal it is time that all the utilities shape up and they all have efficient and proper management.

Senator FUMO. Mr. President, I rise to echo many of the sentiments of the gentleman from Berks, Senator O'Pake, and the gentleman from Cambria, Senator Coppersmith, on Senate Bill No. 632. I think the thing we are failing to realize is that the

consumers of Pennsylvania are helpless when it comes to dealing with utilities. They are at the mercy of utility companies. That is why they have come to the Pennsylvania Senate for help. Where else can they go? They are frustrated by some of the acts of the PUC, although they are probably happier with some of the more recent acts of the PUC. They are being held hostage, as it were, on energy situations that they cannot understand. I submit there is no problem in this Nation greater than the problem of energy that faces everyday consumers.

Mr. President, Senate Bill No. 632 does not set rates. What Senate Bill No. 632 does is put the utility companies on notice as to nuclear energy, if there is going to be an accident, you are going to pay the tab yourself. We do not see any big rush in defining alternative forms of energy. We do not see any big rush in trying to put money into research and development of solar energy and things of that nature. We keep buying the premise that the utility companies give us, that the way to the future is nuclear energy. I submit that it is not.

Mr. President, by passing this legislation today we are saying to them, if you want to continue to hold the consumer hostage for his energy, and if you want to continue your folly in the nuclear energy field, you are also going to bear the risk of those problems.

I have heard the gentleman from Delaware, Senator Bell, talk about the flood problems. I do not know of any utility companies that cause floods. Nuclear energy problems are caused by nuclear companies. I think Senate Bill No. 632 is excellent, although I would rather it even go further. I am concerned that Senate Bill No. 632 does not address itself to the problem of sabotage. According to Senate Bill No. 632, if sabotage takes place at a nuclear plant, the consumer has to pay for that. I do not think that is proper either, but I am willing to accept this as a compromise, as a step in the right direction. I cannot see us compromise in any other direction. We must put utility companies on notice that they must be more responsive to their consumers and to the people who use their energies. We must also let the citizens of Pennsylvania know there is a Body in this Commonwealth that cares about them, that cares about their frustrations, even though we suffer those same frustrations.

Mr. President, this is not the panacea to all the energy problems in America, or in Pennsylvania. As the gentleman from Cambria, Senator Coppersmith, said, it is a step in that direction. There are many other areas we should look at, but certainly we must begin that journey by passing this legislation today.

Senator KUSSE. Mr. President, the main provision of Senate Bill No. 632 disturbs me, I guess because I do not quite understand it. It indicates that the cost of replacement electricity cannot be passed on to the ratepayer, especially that portion that would be in excess of the average cost.

Mr. President, let us take a hypothetical situation then. As I understand it, if in the past the electricity that was produced by the company cost \$10 million a month, and now in the future it is going to cost \$12 million a month, then the \$2 million cannot be passed on to the ratepayer. But let us assume on down the road in the months to come the use of electricity increases and then the total cost to the company of the electricity

they sell is \$15 million. I have to assume then that the excess over the \$10 million average cost cannot be passed on to the ratepayer. It would seem to me we are really penalizing the utility company then in the future, and we are making them pay the total cost of any expansion. That certainly seems unfair to me.

Mr. President, we also talk about the fact that the ratepayers, the users, did not ask for nuclear energy and why should they suffer now when there has been a problem and so on. By the same token, those ratepayers did not ask to have nuclear energy provided to them in the form of TMI-1, which resulted in a savings to the ratepayers of \$14 million a month.

In fact, Mr. President, the very thrust of Senate Bill No. 632, deals with the cost. The reason the costs are going to be higher is because nuclear energy was so much cheaper. It just seems to me if the utility company made it possible for ratepayers to have electricity that cost \$14 million less per month because of TMI-1, that we have to take that into consideration then in determining what future costs shall be.

Senator LLOYD. Mr. President, I think two questions have been raised here that I can respond to affirmatively.

The gentleman from Dauphin, Senator Gekas, pointed out that if a component part is the cause of a nuclear accident, the utility should not have to pay for that. Senate Bill No. 632 does not indicate that the utility would have to pay for that. It does not limit the recourse of the utility to the manufacturer and the responsibility for this type of problem.

The gentleman from Delaware, Senator Bell, also pointed out that here we are entering into the determining of rates. I do not think that we are determining rates; I think we are simply saying who should not pay in a case like this, namely, the consumer. The consumer whose children and neighbors have been exposed to this odorless, invisible, painless killer, radiation, and then are faced with the ultimate insult of having to pay for the incident.

I think there are two important points the gentleman from Berks, Senator O'Pake's bill brings into clear focus. The cost will have to fall somewhere, and if the cost falls on the company, ultimately it is with the investor, an investor who is willing to share in profits and must be able to assume and be willing to assume the risk of loss. Therefore, Mr. President, I urge the passage of Senate Bill No. 632.

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator ANDREWS. Mr. President, I would refer the gentleman to page 1, line 12 of Senate Bill No. 632, and ask him to define the word "failure."

Senator O'PAKE. Mr. President, failure is not defined in the statute and, therefore, it would be whatever the Public Utility Commission determines failure means, using common sense.

Senator ANDREWS. Mr. President, if we pass Senate Bill No. 632, and this becomes law, we are really saying whatever a failure is is solely up to the discretion of the Public Utility Commission?

Senator O'PAKE. Mr. President, obviously we are talking

about the kind of failure that results in the closing of a nuclear reactor.

Senator ANDREWS. Mr. President, could the gentleman from Berks, Senator O'Pake, run that by me again?

Senator O'PAKE. Mr. President, we are talking about the failure which results in the closing or a diminution of capacity of a nuclear reactor which results in these extra costs that are then enumerated.

Senator ANDREWS. Mr. President, would that include, then, the occasions upon which a reactor is shut down for the purpose of refueling?

Senator O'PAKE. Mr. President, I do not know how long a reactor has to be shut down for purposes of refueling, but I assume it would be for a very limited length of time and would not be covered under Senate Bill No. 632. Senate Bill No. 632 talks about the lack of generating capacity as a result of the failure of a nuclear reactor.

Senator ANDREWS. Mr. President, I do not know how long it takes to refuel one either. I do not live very far from the Beaver Valley nuclear power station and recently that station, Shippingport, was ordered closed by the Nuclear Regulatory Commission for the purpose of making it earthquake proof. It is going to be closed at least to the end of this summer. It has been closed for several months. Would that be a failure?

Senator O'PAKE. Mr. President, were there any cleanup costs, decommissioning costs, unsalvageable costs resulting from that?

Senator ANDREWS. Mr. President, it would certainly incur some cost in shutting it down. It was working fine. They shut it down only because the Commission required that they make it earthquake proof.

Senator O'PAKE. Mr. President, that is probably not the kind of situation envisioned. Everybody knows what Senate Bill No. 632 is all about. To raise hypotheticals, I guess that would depend upon the facts at that situation as determined by the PUC.

Senator ANDREWS. Mr. President, I would suggest that while the gentleman from Berks, Senator O'Pake, knows what it is all about, because of Three Mile Island and Metropolitan Edison and his constituents purchasing power from there. I buy power from Shippingport and it is shut down. I am looking at my personal electric bill. Some of the electricity that I use is generated at Shippingport in Beaver County. That reactor has been shut down for a period of several months to make it earthquake proof. Am I exonerated from paying any of the costs of that shutdown?

Senator O'PAKE. Mr. President, under Senate Bill No. 632, no. I respectfully suggest that the gentleman introduce one.

Senator ANDREWS. Mr. President, I am using his definition of the word "failure" and there would be a decommissioning. The gentleman said it included decommissioning and there would be a decommissioning of the Beaver Valley Station prior to the construction for earthquake.

Senator O'PAKE. Mr. President, again I do not think that that is a failure and I do not think fault would be the focus. I think this is a precautionary measure and if the gentleman wants to propose legislation that deals with precautionary tem-

porary shutdowns, be my guest.

Senator ANDREWS. Mr. President, I would ask the gentleman from Berks, Senator O'Pake, to refer to page 2, on lines 4 and 5 where we talk about the company being at fault. I would ask if there would be any provision under Senate Bill No. 632 for anything like contributory negligence that we have in tort law.

Senator O'PAKE. Mr. President, no.

Senator ANDREWS. Mr. President, is it my understanding then if Senate Bill No. 632 becomes law and the utility company is ten per cent at fault because of the failure of a nuclear reactor, and say an Act of God is ninety per cent at fault, then the company still cannot pass on, or the Commission cannot grant any rate increase based upon the failure at all?

Senator O'PAKE. Mr. President, if there was any fault by the utility, they would not be able to pass on the extra costs as enumerated in Senate Bill No. 632. Of course, there are exceptions in lines 25 and 26. Faults shall not include an Act of God or the intentional or negligent conduct of a third party person not referred to in paragraph 1.

Senator ANDREWS. Mr. President, what if the company as a result perhaps of an Act of God, say the flooding of the Susquehanna River, used improper or ill-advised procedures in dealing with the flood and did have a failure partially caused by their actions and partially by the flood itself, what would the situation be?

Senator O'PAKE. Mr. President, that would be for the PUC to determine whether or not fault was found under the language of Senate Bill No. 632.

Senator ANDREWS. Mr. President, but it is the gentleman's opinion or the legislative intent at least, since he is the prime sponsor, that if the company is at all at fault, they cannot pass on any of the rate increase?

Senator O'PAKE. Mr. President, that is correct.

Senator ANDREWS. Mr. President, I would call the gentleman's attention to the definition of fault. Fault is defined as a failure to exercise reasonable care by any of a whole list of people. On lines 4 and 5 it says the utility company was not at fault. The way I would interpret that, the definition of fault includes a whole host of negligent acts by a lot of different people. The only ones that the company is responsible for are its own. So, therefore, if the contractor blew it or the designer blew it, the company is not then at fault and the rate increase can be passed on.

Senator O'PAKE. Mr. President, in that kind of case under our expanded definition of fault, the importance to the consumer is that the utility company could not automatically pass on the costs they would have to collect as a result of a separate civil action, against whoever they contend is at fault. We are trying to protect the consumer initially from bearing the cost while other parties litigate, which could take ten or twenty years.

Senator ANDREWS. Mr. President, I appreciate the desire of the gentleman from Berks, Senator O'Pake, as to what he wants to do, but it appears to me that in the fair interpretation of what we have written in Senate Bill No. 632, it states that fault means a failure to exercise reasonable care. We have,

on lines 4 and 5, "the utility company was not at fault." Therefore, if anyone else was at fault, including the contractor, subcontractor, agent, anyone associated with the operation, construction and maintenance of the facility including any regulatory body, if that group of people are at fault, the customers pay?

Senator O'PAKE. Mr. President, fault is what the Legislature says it is and we are defining fault in its broadest spectrum here. Fault under Senate Bill No. 632 would include any of the conditions that are met from lines 19 to 24, inclusive.

Senator ANDREWS. Mr. President, yes, that is how we are defining fault and that is fine, but on lines 4 and 5 we are talking about the utility company not at fault. Utility company qualifies the definition of the word fault so any of the fault applies to anybody's fault, but it has to be the fault of the utility company before the company is prohibited from having a rate increase as a result of the failure of a nuclear reactor?

Senator O'PAKE. Mr. President, the plain meaning, to quote a phrase which was used extensively yesterday, indicates that fault is what we say it is on lines 19 to 24.

Senator ANDREWS. Mr. President, I agree that fault is what we say it is but the fault of the company too is what we say it is and we have said what fault is. That is fine. We can say, maybe we will be able to pinpoint one, two, three, who is responsible for the failure of the nuclear reactor, but the only fault that counts is the fault of the company. I think in order for this definition to mean what the gentleman from Berks, Senator O'Pake, apparently intends it to mean, we would have to define and see fault of the company and then say it includes fault of everyone else; or lack of reasonable care by anybody else. Fault in and of itself is then taken up on line 5 and put in there and all we have done in listing fault is list a whole lot of people who could be responsible, but only the fault of the company counts.

Mr. President, the definition does not define fault of the company, it defines fault in its broader sense.

Senator O'PAKE. Mr. President, it is not a question. I do not have an answer.

Senator ANDREWS. Mr. President, I would like to yield to the gentleman from Lycoming, Senator Hager, for a moment, please.

Senator HAGER. Mr. President, I think the point which the gentleman from Lawrence, Senator Andrews, is attempting to make to the sponsor of Senate Bill No. 632 is that while the gentleman may have defined the word fault, he did not define the term utility company. The language makes it clear as pointed out by the gentleman from Lawrence, Senator Andrews, that fault may include all of those other items, including the failure of a contractor, subcontractor, agent or anyone else there associated, but Senate Bill No. 632 only penalizes the fault of a utility company and the definition in no way defines utility company. That is very clear from page 4 that only the fault of a utility company shall be held against the company and then in the definition of fault, it does not say that a utility company shall suddenly be expanded to mean a contractor, subcontractor, agent or anyone else associated. So, while somebody may be held responsible for fault, a utility company may only be held responsible for its own fault, and

not the fault of someone else. I think the point being made is a rather devastating one, Mr. President.

Senator O'PAKE. Mr. President, I do not agree with that at all. First of all, this is an amendment to the Public Utility Code, and I am sure that somewhere in the code there is a definition of electric utility company. Secondly, it has always been my understanding that if we wanted to find fault in a certain way, we can define it. We are choosing to define fault as we have in lines 19 to 24. The PUC will then determine whether fault under our definition has been met.

Senator ANDREWS. Mr. President, I have one other question for the gentleman from Berks, Senator O'Pake. I call his attention to line 22 of page 2, where it mentions "any regulatory body," and I presume this means the PUC and the Nuclear Regulatory Agency.

Last week we passed Senate Bill No. 600. Senate Bill No. 600 said there shall be no more nuclear power plants constructed until the Nuclear Regulatory Commission has standardized plans for the company. The question I have is: If the Nuclear Regulatory Commission does adopt these plans, and these plans are ineptly drawn or have defects in them, and a company goes ahead and builds a nuclear power plant according to those plans under the gentleman from Berks, Senator O'Pake's definition, I presume that the utility would be at fault for that?

Senator O'PAKE. Mr. President, the reason Senate Bill No. 632 was drafted in this way, again, if there was some negligence on some other person other than an employee of the utility involved, we are making it very clear that we do not want the utility to pass on the costs. If there is some other negligence, we would suggest that as a matter for civil litigation between the utility and whatever the other body was, be that Babcock and Wilcox, be that the Nuclear Regulatory Commission. I suggest if it is a Federal agency, then the Federal government ought to respond with some form of assistance in making up for damages. But, Mr. President, the important thing is, and the reason for Senate Bill No. 632 is, while we debate this and while seventeen committees study the issue and try to make findings and take testimony, the real danger is it could be mute insofar as the ratepayer is concerned, because there is an automatic pass-through clause under the present law. Unless we do something by June 15th, our discussion is going to be useless and Met-Ed and Penelec and whatever utility ratepayer is involved is going to be already paying the bills and then try, just try to recoup that rebate later.

Senator ANDREWS. Mr. President, I would like to further inquire of the gentleman from Berks, Senator O'Pake. Let us assume that Babcock and Wilcox is solely responsible for the failure. They constructed it. Let us assume they are completely responsible, and Met-Ed sues them and loses, what happens then? May we be at ease until I could ask my question?

Senator O'PAKE. Mr. President, I would be glad to consent to any reasonable interrogation, but I do not know what more I can say about Senate Bill No. 632. I am not a nuclear engineer. I have tried to draft this in a way that accomplishes the goal I have sought to accomplish. I would suggest we vote on the matter and let everybody by their vote indicate how they stand on this question.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator HAGER. Mr. President, during the period when I asked for the Senate to be at ease, I spoke to the main sponsor of Senate Bill No. 632, and attempted to point out to the gentleman a serious drafting defect. The gentleman says he hears what I am saying but he is not interested, and I should go ahead and vote as I want. Therefore, Mr. President, I shall have to vote against Senate Bill No. 632.

As I read this bill, the clear and obvious meaning of it is that a utility company may pass on to the consumer all costs unless it is found that the utility company was not at fault. Nowhere in Senate Bill No. 632 is "utility company" defined, although the word "fault" is. It is the main sponsor's contention that by defining the word fault, he has somehow expanded the definition of the words utility company to include employee, contractor, subcontractor, agent or anyone associated with the operation, construction and maintenance of the facility, including any regulatory body.

The gentleman has said in an attempt at answering this that he is sure that in the Public Utility Code there is a definition of the term utility company. I challenge the gentleman to show any member of this Body or any other body that the term utility company is defined in that Code or anywhere else to include the Nuclear Regulatory Commission, Babcock and Wilcox, or any one of a number of other agents who could be at fault in the construction of this building or the regulation of this building and would under this law construct a direct pipeline for all the bills to fall directly upon the consumer. In other words, Mr. President, Senate Bill No. 632, in its clear and utter meaning does exactly the opposite of what the gentleman from Berks, Senator O'Pake, says it does. For that purpose, because the gentleman, under the clear meaning of this, would place the cost for the negligence of anyone other than the company itself, the electric utility company, directly upon the consumer, I must vote against Senate Bill No. 632.

Senator ANDREWS. Mr. President, I would simply point out that this bill, Senate Bill No. 632, is going to be billed as the means by which we in the Legislature are protecting the consumers from rate increases. It will be months, I suppose, before the rate increases eventually are determined, as with respect to who will pay them. I would suggest that people vote for Senate Bill No. 632, because it is certainly going to be easy to sell back home. It is certainly going to be the popular thing to do. I do not think it does what it purports to do. I think that by defining fault as was done here, it has actually placed upon the consumer a greater burden than he would bear were this act never to be passed. It is certainly going to be a good popular vote back home to protect the ratepayers, and I think good politics dictates that we support it.

Senator KELLEY. Mr. President, the debate thus far on Senate Bill No. 632 has intensified my uncertainty as to how to vote on this bill. I wonder if the gentleman from Berks, Senator O'Pake, would consent to interrogation which I hope is reasonable in his judgment?

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator KELLEY. Mr. President, the gentleman from Berks, Senator O'Pake, in his principal remarks in support of Senate Bill No. 632, indicated classifications in three parts as far as the costs are concerned. Does the gentleman make any distinction as far as among these three categories of costs as far as determination by the PUC in regards to whether or not the rate-payer should pay it?

Senator O'PAKE. With regard to the replacement energy, Mr. President, they would be limited to the average; it could not exceed the average costs incurred by the utility during the twelve operating months prior to the failure. With regard to the cleanup costs, they would not be able to be passed on at all provided the utility was found to be at fault under this broadened definition of fault.

Senator KELLEY. Mr. President, does the gentleman from Berks, Senator O'Pake, find any problem in relationship to the content of Senate Bill No. 632 if it became law in its present form as being in contrast or in derogation and violation of Article I, Section 6 of the Constitution which basically guarantees the right to trial by jury in these kinds of determinations generally?

Senator O'PAKE. Mr. President, no, I do not find that kind of problem. As you know, Senate Bill No. 632 was originally drafted to incorporate the requirement of a trial by jury. However, it was suggested by some people, whose legal opinion I respect, that the same kind of constitutional objection could be met by requiring the PUC Commissioners to make a finding of fault. That is the key, in my humble opinion, to preserving the constitutionality of what we are trying to do. Otherwise, the utilities would have a legitimate argument that this was a confiscation of property without some kind of due process of law.

Senator KELLEY. Mr. President, I gathered from the response of the gentleman from Berks, Senator O'Pake, from interrogation by the gentleman from Lawrence, Senator Andrews, that the main concern with Senate Bill No. 632 is the fact of the automatic pass-through, effective June 15th in the cleanup costs.

Is the gentleman receptive at all to the possibility of altering the bill subsequently by amendment that would essentially just prohibit that automatic pass-through in this particular case in order to have more deliberate considerations by the General Assembly?

Senator O'PAKE. Mr. President, Senate Bill No. 632 has now been before the Senate since the early part of April. I am very anxious to get it over to the House. I would be willing to work with the House leadership, or anyone who is concerned over there to clean up any problems that anybody might find in it.

I think we do have problems, Mr. President, in making a flat prohibition of collecting any kind of costs by the utility. That is why, again, we have the determination of fault.

Senator KELLEY. Mr. President, my main uncertainty on Senate Bill No. 632 is possibly whether the cure is really greater harm than the cause. Basically, as I think of legislation, we should be legislating in the positive. As I read the bill, it says "who will not pay." I wonder if we take the extensions of thinking who will pay in determinations. For instance, the util-

ity, Mr. President, if the PUC determines that in the given case the ratepayers will not pay or be responsible for it, I can immediately anticipate one of the issues that have been raised in this Body and any responsible body, that we affect the bond market of the utility itself. We put them into bankruptcy, possibly, if the cost is so prohibitively greater than the assets. What is the cost to the utility, because as the gentleman pointed out in his principal remarks, we are dealing with the utility, the people do not have a choice, but, in fact, the services are going to have to be continued to his constituents and to the constituents of all utilities by the very purpose and definition.

I would appreciate the gentleman from Berks, Senator O'Pake, helping me out on that please.

Senator O'PAKE. Mr. President, it is a very good point and one that has concerned me greatly. There are provisions in the Public Utility Code that govern with regard to who should pay. In addition to that, in light of this unique kind of situation where we have the nuclear industry which is regulated by the Federal government, and whose repercussions are nationwide, I think if this Legislature said that the PUC should find the consumers should not pay, there would be a tremendous amount of pressure to re-think and re-look at some of the Federal and other State laws with regard to who should pay. Senate Bill No. 632 does not address that problem, but I think if it passes, it will certainly generate the pressure that will force a resolution of that issue.

Senator KELLEY. Mr. President, as I understand the gentleman from Berks, Senator O'Pake's position, it is essentially Senate Bill No. 632, if it is passed, would say that the ratepayers, the consumers of the given utility in these circumstances so found by the Public Utility Commission, would not be responsible to make the payment for the cost that the gentleman enumerated. Indeed, then we have an open question as far as who would pay. Is it fair to say in these cases, it would either be the private resources of those people held to be responsible and in lieu thereof, if their assets are not available to pay for it, this possible bankruptcy and a subsequent company to take over that responsibility, or else in lieu thereof, maybe the Federal government, as the gentleman has suggested, that there be a Federal insurance program or something to cover it.

Senator O'PAKE. Mr. President, I think that the Federal government has got to re-examine the limits imposed by the Price-Anderson Act. I think more thinking has to go into the question of liability pools over and above certain levels, and I think these questions are really too large for us to address because this is a national problem, and the scope of the expenses are staggering for any one utility.

Mr. President, I do not suggest, and would hope this would not force a bankruptcy. I would hope that some of the costs would be borne by the shareholders who make the profits when things are good, and that the Federal government would come to the rescue for other kinds of costs.

Senator KURY. Mr. President, I should be very brief, but I want to state that my reading of Senate Bill No. 632 differs substantially from that articulated by the gentleman from Lycoming, Senator Hager, and others.

As I read Senate Bill No. 632, what it says is that if there is a

failure for reasons as specified on page 2, lines 17 through 24, then the cost of that shall not be passed on to the consumer. Rather, it should be determined between the utility and the party involved. Now, as I understand the Utility Code, and my recollection is that utilities are defined in the code, I do not think that is a problem. The Utility Code says that the PUC shall regulate rates and service. That is all they can regulate. They cannot regulate the nuclear question, that is a Federal question.

What the bill is saying is that through this mechanism of regulating rates we are saying the companies have to assume the responsibility for the financial risk incurred when there is a nuclear failure. That is something that has to be borne either by their investors or perhaps by insurance or bonding agreements between their suppliers and their contractors. I think that is the simple determination which Senate Bill No. 632 is making.

Now, Mr. President, on the nuclear question, quite frankly, I am undecided. Prior to the incident at Three Mile Island, I was in favor of nuclear power as a source of energy for Pennsylvania and the Nation. Since that time, of course, like everybody else, I am shocked and have suspended my prior support for nuclear power. There are now ten investigations going on. I think until we get some of those reports, we really cannot make any definitive judgments about how we feel about the future of nuclear power. But, Mr. President, I do know this: Prior to Three Mile Island, the utilities in Pennsylvania were advocating nuclear power and telling us how safe it was. Even in the early hours of the Three Mile Island incident, we were being told by the utility involved there is no problem, do not worry about it. Now the problem is, the utilities advocating nuclear power have never had to put their financial resources where their rhetoric is in favor of nuclear power. At the national level, they had the protection of the Price-Anderson Act, which as the gentleman from Berks, Senator O'Pake, pointed out, places a limit on the insurance liability. The question of rates had never been raised. So, what we are saying here, I think, in this bill is, if nuclear power is as safe as the companies have told us it is, then why should they not assume the financial responsibility for using it? I think that is the question.

Under the free enterprise system, Mr. President, the greatest incentives are profit and loss for the investors. I think if the companies feel this is a safe method, then they ought to accept that responsibility. They ought to work it out with their suppliers and their contractors, with insurance and bonding companies, and whatever else they want to get the protection from those they deal with. I think that is what we are saying with Senate Bill No. 632. Let those who advocate nuclear power put their financial resources where the rhetoric is and not ask the consumer to bear the burden. I think that is the thrust of the bill and that is why I am going to support it.

Senator HAGER. Mr. President, I think if Senate Bill No. 632 said what the gentleman from Northumberland, Senator Kury, says it said, I would not have any problem with the bill. Unfortunately, it says exactly the opposite of that.

The whole issue of nuclear power is ancillary to this particular bill. The issue is to whom shall the cost be passed on, what is

fair and what is not fair. If Senate Bill No. 632 did what its draftsmen purported that it should do, I think there would be a lot of different votes on the floor of this Senate. The gentleman has been asked, however, how about waiting, clean up this language and let us do it at another Session. He is apparently uninterested in doing that. I just do not know how the gentleman from Northumberland, Senator Kury, or anyone else deals with the very clear meaning of the language on line 4, page 2, which very clearly says the cost shall be passed on if the utility company is found not to be at fault. Now, that does not say Babcock and Wilcox, that does not say the Nuclear Regulatory Commission, it does not say anybody delivering anything there who, by accident, runs into something and causes a problem, it says very clearly the cost shall not be passed on unless the utility company was found not to be at fault. Defining the word fault does not define the word utility company and the issue is not whether or not utility company is somewhere defined in the Public Utility Code. What is at issue is how was it defined in the Public Utility Code and I would challenge even so renowned an expert as the gentleman from Northumberland, Senator Kury, now to show me that somewhere in that code with which he is familiar, a utility company is defined to include a Nuclear Regulatory Commission or some company who has built a power site or someone who has provided pieces of equipment which are used at a power site. Darn it, nobody is arguing particularly with the purpose of Senate Bill No. 632, it is just very poorly drafted on that subject. Rather than do the opposite of what the gentleman intends, it seems to me the sponsor would be wise to allow this bill to be held for amendment to clear up this problem. That is the only quarrel I have with Senate Bill No. 632, but I am in a very strange position of having to vote in favor of an idea, when by doing so I will do exactly the opposite.

Senator KURY. Mr. President, I should be very brief. Obviously the Utility Code does not define utilities as the gentleman from Lycoming, Senator Hager, just indicated. As I read Senate Bill No. 632, it says on page 2, line 4, as the gentleman indicates, "the utility company was not at fault." Then you go down below to line 17 for a definition of fault and that incorporates the succeeding line. I think that solves the problem and I just do not share the gentleman's apprehension about how you construe this language.

Senator SCHAEFER. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator SCHAEFER. Mr. President, if a subcontractor of the utility company has not exercised reasonable care in the preparation of a component it sells to the utility company, but the utility company has exercised reasonable care in the employment or the purchase of that part, would the utility company under Senate Bill No. 632 be liable for a finding of fault?

Senator O'PAKE. Mr. President, the utility company would be found to be at fault under this definition, therefore, could not collect immediately from the customer but would have to collect whatever the costs and the damages are from the maker

of the defective product. Mr. President, this is protecting the customer, the ratepayer, because of the broadened definition of utility company fault to include even the negligence or defective component of somebody else.

Senator SCHAEFER. Mr. President, I want to be sure what the gentleman is saying. If a subcontractor has not exercised reasonable care in the manufacturing or production of a part it sells to a utility company, and the utility company has no way of knowing, and was, in fact, reasonable in their employment of this purchase from a subcontractor, then a utility company still could be found at fault and the owners of that company surcharged? Strike that last part.

Senator O'PAKE. Mr. President, they would not be able to pass on the cost to the customer, that is correct.

One final word, Mr. President, and I do not want to delay this any longer. As I indicated several times, I am certainly amenable to discussing any improvements to Senate Bill No. 632 once it gets to the House. This has been before the Senate for five weeks. The gentleman from York, Senator Hess, and his staff and some others have worked with us on amendments, the gentleman from Lycoming, Senator Hager, or anybody else has not for one moment come forward with any amendments. I do not want this stalled any longer. June 15th is a very important day. If this Legislature does not act by June 15th, we have lost the whole ball game and all our discussion is academic.

Senator COPPERSMITH. Mr. President, I would just like to point out it is a basic rule of product liability insurance which the gentleman from Lycoming, Senator Hager, well knows, that if a manufacturer makes a defective product and gives it to a retailer who sells it even though the retailer had no chance to inspect the product, both the manufacturer and the retailer are liable.

Senator HAGER. Mr. President, in response to that, that may be the law but the gentleman from Cambria, Senator Coppersmith, also well knows that I disagree with that law and have attempted to change it. Just because there is a fault in one part of the law, a shortcoming in some part of the law, does not mean that we should determine to heck with the language, we will pass a bad bill and hope that the courts will decide what we meant to say, not what we clearly said.

Senator HOWARD, Mr. President, I want to vote against Senate Bill No. 632. I am concerned that as the result of all of the conversation in this Chamber, that a "no" vote may be interpreted as a pro-utility anti-consumer vote. Well, let me tell you, it is not. I am impressed by the fact that this event at Three Mile Island has probably mobilized more brilliant minds, more concerned citizens, more resources of government at the Federal, State and local levels than almost any other event in recent years. They are all now very hard at work in trying to come up with an equitable solution to this problem.

Among those resources is the PUC which is charged, as I understand, by law to produce the kinds of solutions we are now talking about in this Chamber. A lot of the conversation here has been punctuated by phrases such as: "I would hope," or "it would be hoped that," or "it may be," or it is speculation about what the Federal government may do, or the State government may do, or the utilities may do, as the result of action that we

intend to take on this floor. Now comes the Senate of Pennsylvania, which in its wisdom, I think, tries to put itself in the rate making business. God forbid! I think that we have enough problems already and I think we would be wise to restrain ourselves. Let the groups that are presently trying to deal with this problem, who have more professional talent at it certainly than I do, stand back and let them do their work and among them will be the PUC. I think they are the ones we decided earlier should do it, and I think to interfere with that process, and I believe this would be interference with that process, is more political than wise.

Senator BELL. Mr. President, during the debate, we have come in a complete circle from whence we started, namely, shall we supersede the wisdom of the PUC and not have them make this decision. I would like to report to the Senate that I have had staff people monitoring every hearing of the PUC on this matter of Three Mile Island. I have also attended some of their hearings myself. I challenge the statement of the gentleman from Philadelphia, Senator Fumo—I wish he was on the floor—because I would like to know the source of the gentleman's statement that the public has lost its confidence in the PUC. I am here today to tell you the public today, the ones I have seen, and I have had quite a few contacts, have great confidence in the present three members of the PUC.

Senator ANDREWS. Mr. President, very briefly, so my vote is not misconstrued, I do not believe that the ratepayers of Metropolitan Edison or General Public Utilities should pay one dime for Three Mile Island. I think Senate Bill No. 632 does just exactly the opposite of what we intended to do. For that reason, I am going to vote "no."

Senator MESSINGER. Mr. President, I think the great concern of Senate Bill No. 632 is that the PUC in its very great wisdom allowed what they call the automatic pass-through. They will do practically nothing about it, and automatically this cost is going to pass through to the ratepayers. That is the great concern. I do not necessarily subscribe to the fact that they have a great deal of wisdom over there, any more than we do, and I hear that term so often that it sort of discourages me because I have not seen any too great wisdom in many places in Harrisburg, and that includes the Chamber in which I am now standing.

Senator O'CONNELL. Mr. President, I have just a few remarks. The debate on Senate Bill No. 632 has swayed me to vote in opposition to it. There is a serious question in my mind as to whether the consumer will get the relief the sponsor suggests. I have thought about it, and it is apparent that the only possibility of any relief to a consumer is the creation of a national pool, whereby all of the power companies will participate and make the burden somewhat lighter and somewhat easier to bear in times of crisis or in times of a failure such as this, or the expansion of the national insurance program to include such failures and to provide for purchase power so that there would be that relief available.

Finally, Mr. President, the debate leads me to believe that this is nothing more than a full employment bill for the legal profession.

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—36

Arlene,	Hankins,	Lynch,	Reibman,
Bodack,	Hess,	McKinney,	Romanelli,
Coppersmith,	Holl,	Mellow,	Ross,
Dwyer,	Hopper,	Messinger,	Scanlon,
Early,	Kelley,	Moore,	Schaefer,
Fumo,	Kury,	Murray,	Smith,
Gekas,	Lewis,	O'Pake,	Stapleton,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Zemprelli,

NAYS—14

Andrews	Howard,	Manbeck,	Snyder,
Bell,	Jubelirer,	O'Connell,	Stauffer,
Corman,	Kusse,	Price,	Tilghman,
Hager,	Loeper,		

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 ON FINAL PASSAGE

SB 702 (Pr. No. 753) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, Senate Bill No. 702 is a bill that has been identified as blind bidding in regards to the movie industry. I find it a little difficult and incomprehensible in one sense that so many of us, as I think the gentleman from Lehigh, Senator Messinger, is fond of saying about either the things in which we are legitimately engaged governmentally, that we do not necessarily perform well.

In Senate Bill No. 702, we are invited to consider the intervention of the Commonwealth of Pennsylvania directly into the regulation or legislating into an industry that seems to be private enterprise.

Mr. President, there are several States that have enacted these laws prohibiting blind bidding, and I am addressing this as a resource from the testimony that was placed before the Committee on Law and Justice in the last Session, because a similar bill was introduced and we held public hearings. This year we have seen fit not to have those hearings, but I want to make my colleagues beneficiaries, if that would be the proper experience, of those hearings, and what has happened since then.

A number of States, because of the petitions of the private owners and operators of movie houses want to outlaw the process wherein the industry producers and the manufacturers of movies have bid on showing shows that have not yet been made or completed. In the face of it, this does not sound very fair, it does not sound very equitable, in fact, it runs counter to my own sense of fair play. But, at the same time, I am not so sure

that that does not belong to be resolved in the marketplace rather than by legislation. I do not know if this would not be enacted and the law would not be a landmark case wherein the government continues to intrude upon areas that belong exclusively in the free enterprise.

Mr. President, some of our sister States that have enacted these laws are now beginning to repeal the same. I only invite that as a matter of the fact that the experience is not necessarily one that is positive or beneficial in all cases.

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 KELLEY. Mr. President, is it true in fact that some of our sister States who have enacted what Senate Bill No. 702 purports to do for the Commonwealth of Pennsylvania, have and are now, have passed repealers or are considering the same?

Senator SCHAEFER. Mr. President, to my knowledge, that is not the case, and, in fact, the people who have been instrumental in bringing this problem to my attention, and to the attention of the Committee on Business and Commerce, are in fact the very people who the gentleman from Westmoreland, Senator Kelley, says are trying to have the statutes, which are similar to this one, repealed. So, I think the industry that has been affected in this thing would have knowledge of the problems and the practical results of legislation have been enacted in, I think, something like fifteen other States. They are still requesting quite vociferously that they be given this protection for the right to see what it is that they are forced to bid on, pay money for, substantial sums of money, prior to their having to have to pay it.

Senator KELLEY. Mr. President, I wonder if the gentleman from Allegheny, Senator Schaefer, would expand on the concept of the legitimate basis for Senate Bill No. 702, itself, as far as the activities being proper intervention by the Commonwealth as a matter of statutory law?

Senator SCHAEFER. Mr. President, the gentleman from Westmoreland, Senator Kelley, in his normal fashion, has hit in a roundabout way the precise rationale for this bill. I would submit what Senate Bill No. 702 will do is, in fact, free up and bring into operation the very marketplace forces that the gentleman wishes to see happen.

Let me tell you what I mean, Mr. President. What we have seen in this industry over the last several years is, in fact, that approximately ninety per cent of the films that are produced in a very controlled industry are, in fact, blind bid. The result of this has been that movies are no longer competing on their merits. They are no longer competing on their content, their artistic message. As a matter of fact, the bid terms are almost entirely uniform, regardless of the merit of the movie. So what I am saying to you is, let us let those market forces come into play, let these movies compete upon their merits, let us give these operators the right to see what it is they are being forced to pay for.

What I am saying, Mr. President, I guess the bottom line is,

in fact, that I agree with the gentleman from Westmoreland, Senator Kelley. Let us bring the market forces in. Let us let them bring in the play.

Senator KELLEY. Mr. President, I appreciate the comments and sentiments of the gentleman from Allegheny, Senator Schaefer, but I do not know that I received a response to the direct question. What is the basis to justify the intervention of statutory law to prohibit this process? Is there an evil that the public is suffering because of the present practice, or is it something that is involved specifically in a particular industry that people are complaining?

Senator SCHAEFER. Well, I think I have already answered that question. We are seeing a situation where, because of the concentration of an industry, the incredible decrease in the number of films produced by a limited number of producers, not only a situation where market forces are no longer brought to bear, but I think we are also seeing a relative disparity between the relative bargaining strength of the party. That is a value judgment on my part, which I think merits the intervention.

Senator KELLEY. Mr. President, when the Democratic caucus caucused on this yesterday, it was indicated that Senate Bill No. 702 was going to be going over today. Would the gentleman from Allegheny, Senator Schaefer, have any objection to the bill going over?

Senator SCHAEFER. Mr. President, yes, I would, because what had happened at the time I had made the request that Senate Bill No. 702 does, in fact, run, a distinguished Senator of my caucus had asked leave to prepare amendments. The express understanding at that time was that we would allow him to prepare these amendments, and if not, then we would have Senate Bill No. 702 run. The gentleman has since then withdrawn his request, and I make my request, in fact, that this bill run. So I would not accede to that.

MOTION FOR BILL OVER IN ORDER

Senator KELLEY. Mr. President, I thank the gentleman from Allegheny, Senator Schaefer, for his response to the interrogation. I would like to indicate, Mr. President, that I would like an opportunity to examine Senate Bill No. 702, having anticipated and received from the caucus that the bill was going to be going over, and was not made privy to the fact until the matter was called up on third consideration and final passage today.

I respectfully move Senate Bill No. 702 go over in its order, Mr. President.

On the question,

Will the Senate agree to the motion?

Senator SCHAEFER. Mr. President, I would object to Senate Bill No. 702 going over and ask for a roll call vote. I think the issues are quite clear, and if anybody, the gentleman from Westmoreland, Senator Kelley, is very, very familiar with this bill.

Senator MESSINGER. Mr. President, I do not want to debate the merits of Senate Bill No. 702, but I do want to say to the

audience that the exhibitors are not even made aware of what the rating of the motion pictures are that they are going to show, and this does affect the public. I think we have a right for people to know that the rating of a particular picture may be objectionable to the area in which they are going to show a film.

Mr. President, I hope that we all vote against the motion to go over and that we have a vote for Senate Bill No. 702.

The PRESIDENT. The Chair would like to remind the Members that the debate is currently on the merits of the motion that Senate Bill No. 702 go over in its order.

Senator STAUFFER. Mr. President, I would join in with those who would oppose the motion to put Senate Bill No. 702 over. I think that we should have the opportunity to debate the bill and to vote on it today.

Senator KELLEY. Mr. President, I do not want to belabor it. All I want is to have an opportunity that I believe each one of us may or may not find themselves in, given time. I always thought the purpose of the caucus was to alert the Members of the respective caucuses as to what was going to be considered and what the status was going to be of the Calendar for that day. I tell you, in the words of a Member of this Body, as I take every other Member's word in this Body, I would expect mine to be taken.

When the Democratic caucus convened yesterday Senate Bill No. 702 was reported as going over. It was going over to Monday for preparation of amendments. There was no change given to me, and I do not know if any other Members received that change, and I would like to have the opportunity to review Senate Bill No. 702 because I did not consider it was going to be on final passage today. I assure the gentleman from Chester and everyone else that I may even vote for the bill. However, I want to review the input that the Committee on Law and Justice had in the last Session of a bill of a similar nature. Now I do not know what the merits are. The gentleman from Berks made a plea that I thought was relevant in the preceding roll call wherein there was a June 15th deadline. Senate Bill No. 702 was introduced less than a month ago and there is no imminency of its consideration. I am asking those Members, all of them, to join with me in allowing it to go over.

Senator ZEMPRELLI. Mr. President, having been a part of the Democratic caucus, this sort of takes on washing our own linen; I think it is important to say that the only purpose for which Senate Bill No. 702 was to go over was because one of the Senators suggested that he did have amendments and wanted them considered on Monday. The fact of the matter is, Mr. President, I received a communication from the Senator that he no longer wished to present his amendment so that I thought it was proper in order to have the bill go over. At the same time, the gentleman from Westmoreland, Senator Kelley, did not suggest to the caucus that he had any concern about additional amendments or had any attitude about wanting to review Senate Bill No. 702 any further. However, in the interest of seeing that everybody has as much reasonable opportunity as necessary, to see that we get good legislation, I would support the Senator's motion to have Senate Bill No. 702 go over. I think it is important to have the record clearly state what did transpire and the only significant purpose for having the bill go

over and not considered on that day.

I would suggest to the Senate as a whole though, as of Monday, that I would ask that Senate Bill No. 702 be considered on third consideration.

Senator SCHAEFER. Mr. President, may we be at ease for one second.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator SCHAEFER. Mr. President, I withdraw my objection to Senate Bill No. 702 going over with the tacit understanding that this bill will be run next Monday.

The PRESIDENT. Without objection, Senate Bill No. 702 will go over in its order on final passage.

SB 226 CALLED UP

SB 226 (Pr. No. 227) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar by Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

SB 226 (Pr. No. 227) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 203), page 1, line 21, by inserting after "(16)": years of age with the permission of one Commissioner

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

Tribute to Mark Gruell, Jr.

Senator SNYDER. Mr. President, I think we can all be glad that there are in this world some people who do their work superbly. In addition, they do much over and beyond the duties of office.

Too often we fail to recognize such service. But when an anniversary occurs it presents an opportunity to recognize good deeds.

It is now forty years since Mark Gruell, the Secretary of the Senate, became an employee of this Body—since January, 1939, first in the capacity of page and then through various responsibilities to Secretary of the Senate and Parliamentarian sixteen years ago.

One of the many services which Mark performs on days when the Chaplain is absent, is to offer the prayer which does so much to set the tone of the opening of our Sessions. We have always admired these invocations for their clarity and their

relevance to the times. If the opening attendance is thin here in the Chamber, many of us hear these in our offices; but wherever they are heard, one is inspired by Mark's graceful use of the English language for the most devout of purposes.

The woodcarvers of Oberammergau, over in Bavaria, have signs in their shops to let tourists know that they carve images both sacred and secular. Like them, Mark has a secular side. It shows in the wit which appears on our daily Calendars. No rule of the Senate requires that Mark do this. It is obviously his idea. He does it because it gives to many people a chuckle and a smile before a troubled day.

Often these gems have a very pertinent twist. As Mark wrote: "This is the time when some of us find our wants are nipped in the budget." Or, "The best way to save face is to keep the lower part of it closed." Or, "Old bureaucrats never die—they just waste away." Or, "Be tolerant with a person who disagrees with you. After all, he has a right to his ridiculous opinions."

The bright things are always there, even if Mark finished his work at midnight and had all sorts of parliamentary tangles to unravel and fifty bills to index, and an awkward journal problem to solve.

For these and a hundred other services, his remembering of anniversaries, his editing of a book on the Senate, his publishing of a Calendar, we owe thanks to Mark in this fortieth year of his service.

He has served the Pennsylvania Senate as a sort of combined Billy Graham, Bishop Sheen, Bob Hope and Ron Drake, with the best features of each.

So we are proud to present to him a book appropriately entitled simply "Mark Gruell."

It contains first the eloquent prayers which Mark has given in the past sixteen years; it contains also some of the selected wit from the Calendars; third, it contains the pages of the Journal containing the speeches which nominated Mark for Secretary of the Senate over the past sixteen years, and, of course, it contains autographed best wishes of all of the fifty Members of this Body and of the Lieutenant Governor.

I hope that ten years hence there will be a second volume of this type, also dedicated to Mark Gruell.

Thank you, Mark, for all you have done for us.

(Applause.)

Senator MURRAY. Mr. President, I would request we suspend the rules and let Mark Gruell say a few words.

Secretary GRUELL. Mr. President, I am a little bit at a loss for words. It reminds me of one time when I was asked to give a speech at a Chamber of Commerce meeting—in fact, one of the first times I think I ever spoke to a public Body—and it came to me later on that two of the men sitting near me there said that they heard that there are always sayers and doers and they said I must be one hell of a doer because I cannot say anything. That is the situation I am in right now. I thank you very, very much. This is a complete surprise, and it has been a pleasure for me over these past years—sometimes—most of the times, and I hope things work out that I could possibly put in forty more

years, although I doubt it very much.

(Applause.)

Senator HAGER. Mr. President, as every Member of the Senate is aware, Mark Gruell actually retired March 1 of 1979. I do not know about you, but he seems to me to have gotten much better since he is retired.

Senator ZEMPRELLI. Mr. President, to supplement the remarks and the fine work of the gentleman from Lancaster, Senator Snyder, and Members of the Senate, I would say in English we would say, "Here, here;" in Italian we would say, "Bravo, Marco," and in Croatian we would say, "Chivio, Marco." We mean it all. A very fine tribute to a very fine man.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 35 and 140 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

HB 215 (Pr. No. 1521) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 241 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL OVER IN ORDER AND RECOMMITTED

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

In accordance with Senate Rule 2, Order of Business, as amended by Senate Resolution, Serial No. 13, Session of 1969, the bill was recommitted to the Committee on Military and Veterans Affairs.

BILL ON SECOND CONSIDERATION

SB 372 (Pr. No. 376) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 405 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 449 (Pr. No. 460) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

MOTION TO RECOMMIT

Senator SCANLON. Mr. President, I move that Senate Bill No. 449 be recommitted to the Committee on Education.

On the question,

Will the Senate agree to the motion?

Senator HAGER. Mr. President, may we have a roll call vote?

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

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

YEAS—20

Arlene,	Hankins,	Mellow,	Ross,
Bodack,	Kury,	Murray,	Scanlon,
Early,	Lloyd,	O'Pake,	Smith,
Fumo,	Lynch,	Pecora,	Stout,
Gurzenda,	McKinney,	Romanelli,	Zemprelli,

NAYS—29

Andrews,	Holl,	Lincoln,	Price,
Bell,	Hopper,	Loeper,	Reibman,
Corman,	Howard,	Manbeck,	Schaefer,
Dwyer,	Jubelirer,	Messinger,	Snyder,
Gekas,	Kelley,	Moore,	Stapleton,
Greenleaf,	Kusse,	O'Connell,	Stauffer,
Hager,	Lewis,	Orlando,	Tilghman,
Hess,			

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

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

MOTION TO RECONSIDER FUMO AMENDMENT

Senator SCANLON. Mr. President, at this time, I move that we reconsider the vote by which the amendment offered by the gentleman from Philadelphia, Senator Fumo, to Senate Bill No. 449, on May 22, 1979, was defeated. I ask immediate consideration of the amendment.

The PRESIDENT. Senator Scanlon moves that the vote by which the amendment offered by Senator Fumo on May 22, 1979, be reconsidered.

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

Senator HAGER. Mr. President, I would intend to vote the same way on the amendment. I know of no one in the Senate who would object to the immediate reconsideration and think that we could have that by affirmation rather than have a second vote.

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

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 1106), page 1, line 16 by striking out "No" and inserting: Except for school districts of the first class and the first class A which may require a residency restriction, no other

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

Senator SCANLON. Mr. President, I think all of the arguments in favor of the amendment, which would remove the

school districts of Philadelphia and Pittsburgh from the provisions of Senate Bill No. 449 were made. There is not much need, really, in rehashing them. However, I would like to express two reasons why I think that Senate Bill No. 449 is wrong. First, I do not think the State Legislature should mandate a matter of this nature to the local school districts. I think the matter of whether or not a school district is going to impose a residency requirement is a matter to be determined by the local districts only.

Secondly, assuming that that argument fails, we do have particular problems in Pittsburgh and Philadelphia where all of the other public employees employed by the municipalities, the city in each case, are mandated to be residents of the city as a precondition for employment and I fail to see that a school teacher is any different.

Finally, in both of these areas, in Pittsburgh and in Philadelphia, this matter has been a subject of negotiation for years between the labor organizations representing the school teachers in Pittsburgh and in Philadelphia. Every time the contract is renegotiated, this is one of the subjects that is discussed and is an essential part of the entire bargain.

I see this, Mr. President, as a device by the labor organizations in Pittsburgh and Philadelphia to circumvent the bargaining process and come to the Legislature asking the Legislature to take away a power which has heretofore been vested in local school boards.

Mr. President, if Senate Bill No. 449 will not be recommitted in the interest of the city of Pittsburgh School Board and Philadelphia School Board, I urge the Members at least to exempt them from its operation.

Senator BELL. Mr. President, I see this as a different situation than that applying to municipal employees. At the present time, the goal of our educators and those who are interested in good education is to have at least half of the education dollars come from the State of Pennsylvania. So we, on the State level, have a very definite direct interest in every school in this Commonwealth.

Second, we as Legislators have a very definite interest in quality education, and to straightjacket the prospective teacher recruit by telling him or her if they take a job in Pittsburgh or Philadelphia they have to obtain a residence, either by renting or buying one within the school district, is going to harass potential employees for the school districts. That is an indirect attack on quality education. I say vote "no" on the amendment and vote "yes" on Senate Bill No. 449.

Senator PRICE. Mr. President, if I could suggest two reasons why teachers may be in a different category from municipal employees, the first of which would be, of course, that municipal employees are paid by the local jurisdiction, whereas teachers are paid in part from the State government. A second important one is where municipal employees are hired they are normally trained on the job, whereas in the case of teachers they have to secure their training at their own expense beforehand or go without certification. But what finally persuades me that Senate Bill No. 449 should pass without amendment, Mr. President, is that it focuses on quality education, which is our first consideration and puts all other considerations in a

secondary position, and I think that is the importance of Senate Bill No. 449 and that is why I am going to vote against the amendment.

Senator FUMO. Mr. President, I agree with the gentleman from Philadelphia, Senator Price, that the issue is quality education. However, I think we disagree on how we get there. I think that the educational standards are increased when people who are teaching in the city of Philadelphia and are teaching in the city of Pittsburgh, are living in the confines of those cities and have a commitment to the community.

Mr. President, I question the quality education of a teacher who lives somewhere else, comes into the inner-city, spends six or seven hours a day, and then leaves and leaves the problems behind him. I think that you get much better education when the teachers are committed to the problems of the community.

Mr. President, I would, therefore, ask for this amendment to be approved.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS — 19

Bodack,	Kelley,	Mellow,	Scanlon,
Coppersmith,	Kury,	Murray,	Smith,
Early,	Lincoln,	O'Pake,	Stout,
Fumo,	Lloyd,	Orlando,	Zemprelli.
Hankins,	Lynch,	Ross,	

NAYS — 31

Andrews,	Hager,	Loeper,	Reibman,
Arlene,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	McKinney,	Schaefer,
Corman,	Hopper,	Messinger,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Gekas,	Jubelirer,	O'Connell,	Stauffer,
Greenleaf,	Kusse,	Pecora,	Tilghman.
Gurzenda,	Lewis,	Price,	

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

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

BILLS ON SECOND CONSIDERATION

SB 535 (Pr. No. 555), SB 543 (Pr. No. 821) and HB 643 (Pr. No. 1504) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS
REPORTS FROM COMMITTEE

Senator LEWIS, from the Committee on Local Government, reported, as committed, SB 284, 285, 602, 603, HB 448 and 645.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Little Schuylkill Conservation Club of Tamaqua and to Mr. and Mrs. Andrew Butala by Senator Gurzenda.

Congratulations of the Senate were extended to Mr. and Mrs. Russell H. Blackburn, Mr. and Mrs. Carl H. Wilson, Mr. and Mrs. Raymond Guthrie, Mr. and Mrs. Odel N. Gump, Mr. and Mrs. John S. Kent, Mrs. Ben Cooper, Sr., Mr. and Mrs. H. E. Salsberry, Mr. and Mrs. Leo R. Hellmann, Mr. and Mrs. Harry Baker, Mr. and Mrs. Arthur L. Hartzell, Mr. and Mrs. Guy Lemmon, Mr. and Mrs. Joseph B. Moore and to Colonel and Mrs. James C. Richardson by Senator Stout.

Congratulations of the Senate were extended to Alphonse C. F. Kenowski by Senator Mellow.

Congratulations of the Senate were extended to Al Genetti by Senator O'Connell.

Congratulations of the Senate were extended to the Reverend Father Thomas G. Kalasky by Senator Lincoln.

Congratulations of the Senate were extended to David A. Gilfor by Senator Lewis.

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 Gerald J. Clapps, Sr. by Senator O'Connell.

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 61, 144, 284, 285, 290, 311, 602, 603, 696, 763, HB 62, 177, 178, 247, 448 and 645.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE
AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced,

informed the Senate that the House has concurred in amendments made by the Senate to **HB 970**.

BILL SIGNED

The President (William W. Scranton III) in the presence of the Senate signed the following bill:

HB 970.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 4, 1979

- | | |
|---|--------------------------------|
| 11:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 184 and House Bill No. 308) | Senate Majority
Caucus Room |
| 1:30 P.M. CONSUMER AFFAIRS (to consider Senate Bill No. 411) | Senate Majority
Caucus Room |

MONDAY, JUNE 11, 1979

- | | |
|--|--------------------------------|
| 10:00 A.M. Special Senate Committee on Medicaid Fraud (Public Hearing to discuss the problems in the Medicaid administration, such as fraud and abuse) | Senate Majority
Caucus Room |
| 11:30 A.M. LOCAL GOVERNMENT (to be announced at a later date) | Senate Minority
Caucus Room |

WEDNESDAY, JUNE 13, 1979

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|---|--------------------------------|
| 10:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing to consider the oversight with the Department of Public Welfare) | Senate Majority
Caucus Room |
|---|--------------------------------|

THURSDAY, JUNE 21, 1979

- | | |
|--|--------------------------------|
| 9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bills No. 175 and 363) | Senate Majority
Caucus Room |
|--|--------------------------------|

WEDNESDAY, JULY 11, 1979

- | | |
|---|--------------------------------|
| 9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 183) | Senate Majority
Caucus Room |
|---|--------------------------------|

ANNOUNCEMENT BY MAJORITY LEADER

Senator ZEMPRELLI. Mr. President, I would like to make an announcement on behalf of the gentleman from Lehigh, Senator Messinger. There will be a Policy Committee meeting of the Democratic caucus at precisely 5:00 o'clock in the office of the gentleman from Luzerne, Senator Murray.

ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Monday, June 4, 1979, at 3:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:35 p.m., Eastern Daylight Saving Time.