

Legislative Journal

TUESDAY, JULY 10, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 47

SENATE

TUESDAY, July 10, 1979.

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

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

PRAYER

The Chaplain, Deacon FRANCIS GORMAN, Good Shepherd Catholic Church, Camp Hill, offered the following prayer:

Let us pray: O God, the source of all wisdom, whose statutes are good and gracious, and whose law is truth, guide and direct our Senators, that by just and prudent laws, they may promote the well-being of all our people.

We ask this through Jesus Christ our Lord, who lives and governs with You and the Holy Spirit, one God forever and ever. 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.

LEAVE OF ABSENCE

Senator ZEMPRELLI asked and obtained leave of absence for Senator SCANLON, for today's Session, for medical reasons.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR KELLEY

Senator ZEMPRELLI. Mr. President, I would request a legislative leave of absence on behalf of Senator Kelley, who is away for today's Session.

The PRESIDENT. Senator Zemprelli asks a legislative leave of absence for Senator Kelley. Are there any objections? The Chair hears no objection and the leave is granted.

SENATOR STAUFFER TO VOTE FOR SENATOR HAGER AND SENATOR MOORE

Senator STAUFFER. Mr. President, I ask for legislative leaves of absence for Senator Hager and Senator Moore. I will be voting both of them. They are both on legislative business.

The PRESIDENT. Senator Stauffer requests legislative leave of absence for Senator Hager and Senator Moore. Are there any objections? The Chair hears no objection and the leaves are granted.

BILLS INTRODUCED AND REFERRED

Senator GREENLEAF presented to the Chair **SB 895**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing for compromise settlements.

Which was committed to the Committee on Labor and Industry.

Senators BELL and LYNCH presented to the Chair **SB 896**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing certain limitations on the length of leases of real property by the Commonwealth and making an editorial correction.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 897**, entitled:

An Act requiring certain reports by corporations contracting with the Commonwealth and placing a duty on the Auditor General.

Which was committed to the Committee on Business and Commerce.

They also presented to the Chair **SB 898**, entitled:

An Act prohibiting certain persons from holding office in a political party in Pennsylvania.

Which was committed to the Committee on State Government.

They also presented to the Chair **SB 899**, entitled:

An Act to concur with New Jersey in prescribing the conditions applicable to, effect of, and rights of the public in open and closed meetings of the Commissioners of the Delaware River Port Authority and providing a penalty.

Which was committed to the Committee on State Government.

Senators O'PAKE, JUBELIRER and LLOYD presented to the Chair **SB 900**, entitled:

An Act amending the act of December 5, 1789 (2 Sm. L. 513, Ch. 1461), entitled "An act to provide for the custody of prisoners committed under the authority of the United States," providing for the transfer of certain prisoners from State facilities to Federal facilities.

Which was committed to the Committee on Judiciary.

Senators ARLENE, HANKINS, COPPERSMITH, MURRAY, MELLOW, ROMANELLI, FUMO, SMITH, McKINNEY, LYNCH and ORLANDO presented to the Chair SB 901, entitled:

An Act amending the act of July 4, 1979 (No. 9A), entitled "General Appropriation Act of 1979," accelerating the cash assistance grants to September 1, 1979.

Which was committed to the Committee on Appropriations.

Senators STOUT, BODACK, LINCOLN, PECORA, JUBELIRER, LOEPER, PRICE and BELL presented to the Chair SB 902, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for an increase in the amount of pension for blind veterans.

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

They also presented to the Chair SB 903, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing certain benefits for surviving spouses of war veterans blinded through service connected injuries.

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

Senators DWYER, STAUFFER, LOEPER and MELLOW presented to the Chair SB 904, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions concerning fraudulent activities involving diplomas or degrees.

Which was committed to the Committee on Education.

Senators LLOYD, LYNCH, SMITH, FUMO and ARLENE presented to the Chair SB 905, entitled:

An Act authorizing the Department of General Services to convey under certain conditions a certain lot or tract of ground with improvements thereon located in Philadelphia, Pennsylvania.

Which was committed to the Committee on State Government.

Senators LLOYD, REIBMAN, MURRAY, MESSINGER, LYNCH, MELLOW, HANKINS, KELLEY, LINCOLN, FUMO and ARLENE presented to the Chair SB 906, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the disclosure to consumers of damage to new vehicles.

Which was committed to the Committee on Transportation.

Senators LLOYD, LEWIS, HANKINS, SMITH, FUMO and ARLENE presented to the Chair SB 907, entitled:

An Act making an appropriation to the Department of Public Welfare for the use of the Benjamin Rush Community MH/MR Center and the People Acting to Help, Inc. MH/MR Center and for the Intercommunity Actions Inc. MH/MR Center.

Which was committed to the Committee on Appropriations.

HB 215 TAKEN FROM THE TABLE

HB 215 (Pr. No. 1656) — Without objection, Senator SCHAEFER called from the table HB 215.

RECONSIDERATION OF HB 215 THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING

HB 215 PASSED OVER GOVERNOR'S VETO

HB 215 (Pr. No. 1656) — Senator SCHAEFER. Mr. President, I move that the Senate proceed with the reconsideration of House Bill No. 215, Printer's No. 1656, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

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

The PRESIDENT. It has been moved by Senator Schaefer, seconded by Senator Hess, that the Senate proceed to reconsider House Bill No. 215, Printer's No. 1656, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

The question before the Senate is: Will the Senate agree to the motion? The vote required for this motion is two-thirds of the Senators or thirty-four votes.

The Clerk read the Governor's veto message as follows:

July 1, 1979,

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

I return herewith, without my approval, House Bill No. 215, Printer's No. 1656, entitled "An Act amending the act of July 1, 1978 (P. L. 700, No. 124), entitled, 'An act enumerating certain fees and charges to be imposed for activities regulated by the Bureau of Professional and Occupational Affairs of the Department of State, providing for the appointment and term of Office of the Commissioner of Professional and Occupational Affairs, creating the Professional Licensure augmentation Account and providing for its administration and making certain repeals,' permitting payment of CERTAIN fees by personal check and providing for temporary suspension of licenses in certain cases."

This bill would allow payment of renewal and miscellaneous fees by personal check to the Bureau of Professional and Occupational Affairs and provides for the suspension of the license of any person who submits a check which is not honored. The bill also provides that the proposed rules and regulations promulgated by the various professional or occupational boards regarding payments and license suspensions be submitted to the General Assembly for approval. If either chamber disapproves of any regulation, such regulation will not be promulgated.

Although I concur in the provisions of this bill governing the use of personal checks, I will withhold my approval from the bill because of serious constitutional infirmities of the provisions providing for review of rules and regulations. I will instruct the Secretary of State and the Commissioner of Professional and Occupational Affairs to follow the procedures specified in this bill for the use of personal checks.

The legislature enacts, amends, or repeals a statute through the procedures provided in Article III of the Constitution of Pennsylvania. While the legislature can delegate the power to issue rules and regulations, it is questionable whether it may withdraw that delegation through a non-legislative review process.

In addition, the review process established by this bill may prove to be burdensome. The General Assembly would be confronted with reviewing the minute administrative details of professional licensure programs. Rules and regulations are published weekly in the Pennsylvania Bulletin and are subject, therefore, to scrutiny, comment and debate by the General Assembly and the Commonwealth at large. This system provides an efficient and effective public notice procedure. Although improvements to the system may be desirable, these improvements must be made in a constitutionally permissible manner.

For these reasons, I must disapprove this bill.

DICK THORNBURGH.

On the question,

Will the Senate agree to the motion?

Senator SCHAEFER. Mr. President, like most of us, I have read the Governor's veto message that was issued after he vetoed House Bill No. 215. As you know, this bill was very innocuous in its origination. The legislation was seen as absolutely necessary by the then Commissioner of the Bureau of Professional and Occupational Affairs to authorize the use of personal checks for license renewals.

Nobody, absolutely nobody, disputed its necessity. In fact, the legislation authorization was specifically requested by then Commissioner Krause. The basis for the Governor's veto is his reluctance to allow this or any General Assembly legislative review of the rules and regulations that implement the bill. The Governor's veto represents a fundamental challenge to the relative roles of the General Assembly and the Executive Branches in our governmental process. His action can only be construed as an attempt to limit the General Assembly's legitimate control over State bureaucratic legislative dictates through the use of rules and regulations.

The crucial issue at stake, I believe, is the General Assembly's ability to control the ever-increasing propensity of bureaucrats to issue rules and regulations. As you know, all of us in the General Assembly have been constantly reminded by our constituency of the many burdens that arise from rules and regulations. Often they are unnecessary or, even worse, contrary to the clear legislative intent.

Mr. President, I am extremely disappointed in Governor Thornburgh's veto. As I understand his veto message, he is resisting any attempt for any legislative review of rules and regulations issued by State government bureaucrats. I fail to see how this action can be construed in any other way but to make State government less responsive to the needs of the public.

In short, Mr. President, I believe it is an unwarranted executive intrusion into the prerogatives of the General Assembly. I believe it is now time for the General Assembly to begin to regain its control over rules and regulations that are promulgated. I urge my colleagues to join our fellows in the House in overriding this veto.

Senator BELL. Mr. President, I am going to vote to override the Governor's veto. I think the question before the Senate

today is something far more important than whether checks be certified or not. It is the practice that has slowly been growing up in State government of regulations which have the force and effect of law, which are issued by the departments on the authority of a Secretary of a department who never stood for public election, but the Secretary with the bureaucrats who seem to stay here from one generation to another regardless of political party, and they put out the extensive regulations that govern the people of the Commonwealth.

Mr. President, last summer I had the privilege of being invited, with other Republican Senators, to meet every week with leaders of industry and business of the Commonwealth of Pennsylvania. They did not complain of statutory law or case law, they complained consistently of law by regulation. This is what we in the Legislature are endeavoring to put the check rein on. We are the elected representatives of the people. We have been directed under the Constitution to enact the laws. At no time have the people of Pennsylvania said that unresponsive bureaucrats, unelected secretaries should be able to throttle the throats of the people of Pennsylvania with these regulations.

Senator ZEMPRELLI. Mr. President, I think the point is well made. If there is one problem today in government, it is over regulation by that layer of government that exists below those who are elected to public office. I think the classic example of what the gentlemen who preceded me were endeavoring to say, is reflected in the—I think he was the consumer representative of the Governor—gentleman by the name of Joel Weisberg, who, before leaving office, decided that he was going to promulgate a rule and regulation that dealt with debt collection. Mr. President, in all history of what this Senate and General Assembly had been considering with respect to this subject matter, none of those considerations were as stringent as the rules and regulations promulgated by Mr. Weisberg immediately before his departure when the change of Administration took place.

Mr. President, that is a classic example of what we are talking about. When you hear some of the things that are happening in our community that has throttled business and industry with respect to regulation, the suggestion that there are over 4,000 different regulations with respect to the production of hamburger, all of which has increased the price of hamburger four to five cents. A regulation by OSHA — at a Federal level — required bridge workers to wear a particular kind of harness around their necks. The labor unions had to take them to court and finally prevailed because they found out if the bridge worker fell off the bridge that he was trying to repair with this device around his neck, he killed himself. These are the kinds of things we are taking the brunt of responsibility for and there is an absolute critical need for us to take and harness the run-aways of bureaucratic administration.

Mr. President, I would hope this Body here today would demonstrate that feeling by a 100 per cent vote for the override.

Senator COPPERSMITH. Mr. President, answering the Majority Leader, let me say first of all I agree with the gentleman that some type of legislative oversight of regulation is not undesirable. The problem I have with this override and the veto

is that there are three different ways now that the Legislature has decided they want to review regulations. We passed the bill that said committees could disapprove regulations. This was in House Bill No. 657.

We have another type of review mechanism where both houses have to disapprove regulations or have to approve them before they become effective. Mr. President, there is another mechanism similar to the Reorganization Act wherein it was provided that either house could disapprove. I think we have to get our act together to decide what type of review mechanism we want to have instead of each bill providing a different type of legislative oversight of regulations.

Mr. President, the Legislature, I think, is entitled to have a say so in the regulations to see to it that the regulations reflect the intent of the legislation. I think the administrative branch is entitled to have a procedure that is spelled out so they know what they have to do in regard to all laws and that each law does not contain some peculiarity or some quirk that makes it different from another act. For that reason, for this time only, I am going to vote to sustain the Governor's veto because I think the Governor has a legitimate point in saying that we have to have some type of mechanism that is uniform in regard to review of regulations. I think for the future, the Legislature has to sit down and decide what is that mechanism and not have a different type of procedure for each different law.

Senator LEWIS. 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 LEWIS. Mr. President, did I hear the gentleman correctly in his opening remarks that he requested that we join with our fellows in the House in overriding the Governor's veto?

Senator SCHAEFER. Mr. President, the gentleman is correct.

Senator LEWIS. Mr. President, does the gentleman know whether any of the ladies in the House voted in favor of the veto override?

Senator SCHAEFER. Mr. President, I must confess I made a rash assumption. I do believe that the Statutory Construction Act has been interpreted to mean that whenever there is a male reference, females are already included. Secondly, would the gentleman accept an amendment to my previous remarks?

Senator LEWIS. Mr. President, I thank the gentleman and I will be pleased to join with him and all of our colleagues in the House in voting to override this veto.

Senator GEKAS. Mr. President, I plan to support the Governor in this attempt to override the veto. The Governor is correct in his delineation of the constitutional guidelines that should be guiding us in this vote. But more than that, even if we who have spoken on the floor of the Senate today, are correct in saying that the regulators have gone too far and regulations have strangled us, we are simply not prepared, as the General Assembly of the Commonwealth of Pennsylvania, at this moment to deal with the problem. We must pass better laws. We must pass statutes that would prevent the regulations

that take the place of those statutes and get down to work on establishing a structure for oversight that will not be a twenty-four hour a day legislative function thereby strangling us in return.

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

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

YEAS—44

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

NAYS—5

Coppersmith,	Howard,	Reibman,	Snyder,
Gekas,			

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

The PRESIDENT. The bill is passed, the objections of the Governor to the contrary notwithstanding.

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

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, this is one of those rare days that I really appreciate being a Member of this Body. This display of independence is heartwarming.

RECESS

Senator ZEMPRELLI. Mr. President, I request a recess of the Senate until 3:00 p.m. for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objections, and declares a recess of the Senate until 3:00 p.m. Eastern Daylight Saving Time.

AFTER RECESS

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

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

HOUSE MESSAGES**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1255**, which was referred to the Committee on Law and Justice.

He also presented for concurrence **HB 1169** and **1439**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 106** and **1094**, which were referred to the Committee on State Government.

**HOUSE CONCURRENT RESOLUTIONS
REFERRED TO COMMITTEE**

He also presented for concurrence House Concurrent Resolutions **Nos. 36, 80** and **87**, which were referred to the Committee on Constitutional Changes and Federal Relations.

**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILLS**

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 31** and **177**.

The **PRESIDENT** pro tempore. The bills will be placed on the Calendar.

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

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 334, 654, 1329** and **1475**.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 532** and **727**, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 532, 727, HB 334, 654, 1327, 1328, 1329, and 1475.

CALENDAR**THIRD CONSIDERATION CALENDAR****NONPREFERRED APPROPRIATION BILLS ON THIRD
CONSIDERATION AND FINAL PASSAGE**

SB 234 (Pr. No. 1014) — 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, before we vote on Senate Bill No. 234, if I could have the attention of the Members of the Senate, I would like to make a few remarks which will pertain not necessarily to Senate Bill No. 234, but to a number of the nonpreferred appropriation bills which appear

before us today. I feel it is advisable to make the remarks at the start so that my one set of remarks will pertain to all the bills that fall into the categories I wish to discuss.

Pennsylvania is a very unique State in that we are the only State that has, to the best of my knowledge, the category of nonpreferred appropriations. I know when many legislators from other States visit Pennsylvania to look into our legislative process, they are somewhat amazed by our nonpreferred appropriation process because they have never been exposed to anything like it before. Many students of government feel the same way.

If one looks over the list of nonpreferred appropriations, we see an expansion of the list and we see a movement into new categories. We see a movement into an expanded list of categories that would be considered charitable donations. I question very sincerely whether it is proper for the Legislature of Pennsylvania, on behalf of its citizens, to determine which charities should receive donations and assistance in funding or whether it might not be better for us to not tax the people of the Commonwealth for charitable purposes and let them make the decisions themselves as to which charity they wish to support. As we all know, that list will vary from family to family because of the experiences in life that we all have the interests that we have.

I also notice there is another group of appropriations which go to artistic endeavors in the Commonwealth. Again, I question whether it is proper for the Legislature to make a determination of which of those artistic endeavors we are going to single out for special treatment, an end run around the process, if you will, rather than have them go to the Council of the Arts which was established by this Legislature for the very purpose of furthering the arts in the Commonwealth of Pennsylvania, and in determining which of those artistic endeavors were properly organized, were properly entitled to support by the Commonwealth.

Because of my concerns, Mr. President, in those categories, I am going to be casting a negative vote on some of the bills that will appear before us today. It is not a negative vote because I am a heartless person, I certainly have a great deal of concern for cerebral palsy, for example. Yet I cannot help but wonder if it is not proper that the Department of Health make a determination as to what kind of financial participation the Commonwealth should make in looking into the problems of the cerebral palsied.

As I mentioned to the Members of our caucus today, I have a wife who is a glaucoma victim. As we all know, glaucoma, if not properly treated, can lead to blindness. So near and dear to our hearts are research programs into the fields of glaucoma. Now as someone suggested, I could prepare a bill and propose that we add glaucoma study into the list of nonpreferred appropriations and probably could engender enough interest and support that I could add another item to this long list of nonpreferred appropriations. But, I honestly believe that they are the kind of charitable donations that each of us must make a determination on for ourselves and that we in the General Assembly tread on thin ice and are embarking on a cruise into dangerous waters when we try and literally play the role of God in

determining which groups should have these kinds of fundings as opposed to those which receive none.

I want it to be clearly understood that my negative vote is not because of heartlessness on my part regarding the programs involved, but, rather, it is a belief that we should stop the end runs, we should stop finding a way around the constitutional provision that was intended to keep us out of these issues and instead let the individuals of the Commonwealth make the determinations of those kinds of issues themselves and for us to properly deal with those matters which belong in the realm of State government.

Senator BELL. Mr. President, in answer to the gentleman from Chester, Senator Stauffer, the Constitution of Pennsylvania which was set up by vote of the people, states under Article III, Section 30: "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth . . . except by a vote of two-thirds . . ."

Mr. President, perhaps the reason why we are unique, and I hope that the gentleman from Chester, Senator Stauffer, will look into this report at a later date and later time, is that other States do not have this provision in their Constitution. That is in answer to the gentleman's first argument.

In answer to his second argument, the gentleman from Chester, Senator Stauffer, is proposing that this Senate do what Governor Shafer wanted us to do, namely, give money indirectly by a majority vote to charitable institutions, not under the control of the Commonwealth, which we are prohibited from doing directly.

We have had some pretty bloody battles on this subject. Many of us believe there are too many indirect gifts given through the general appropriation bill which, incidentally, did not pass the House by a two-thirds vote, but by the squeaker of only one or two votes. I suggest that our procedure here is correct. Now, as to who receives the money, the blind, yes, they should; the cerebral palsied, yes, they should. I am not so much sold on the arts, but other people are in my district. I say that we, the elected Senators, who report back to our districts should be able to vote on these gifts. They are gifts from the people of Pennsylvania to take care of those of our neighbors who are not capable of taking care of their own affairs, such as the blind, cerebral palsied and the Delaware Valley Burn Center which handles the burn victims from all over eastern Pennsylvania. They need State help.

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—44

Arlene,	Hopper,	Manbeck,	Reibman,
Bell,	Howard,	McKinney,	Romanelli,
Bodack,	Jubelirer,	Mellow,	Ross,
Coppersmith,	Kelley,	Messinger,	Schaefer,
Corman,	Kury,	Moore,	Smith,
Early,	Kusse,	Murray,	Snyder,
Fumo,	Lewis,	O'Connell,	Stapleton,

Gekas,	Lincoln,	O'Pake,	Stauffer,
Gurzenda,	Lloyd,	Orlando,	Stout,
Hankins,	Loeper,	Pecora,	Tilghman,
Holl,	Lynch,	Price,	Zemprelli,

NAYS—5

Andrews,	Greenleaf,	Hager,	Hess,
Dwyer,			

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

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

SB 877 (Pr. No. 1000) — 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—37

Arlene,	Holl,	Manbeck,	Pecora,
Bell,	Jubelirer,	McKinney,	Reibman,
Bodack,	Kury,	Mellow,	Romanelli,
Coppersmith,	Kusse,	Messinger,	Ross,
Corman,	Lewis,	Moore,	Schaefer,
Early,	Lincoln,	Murray,	Smith,
Fumo,	Lloyd,	O'Connell,	Stapleton,
Gekas,	Loeper,	O'Pake,	Stout,
Gurzenda,	Lynch,	Orlando,	Zemprelli,
Hankins,			

NAYS—12

Andrews,	Hager,	Howard,	Snyder,
Dwyer,	Hess,	Kelley,	Stauffer,
Greenleaf,	Hopper,	Price,	Tilghman,

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

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

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 1263 (Pr. No. 1424) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator REIBMAN. Mr. President, the remarks that I am about to make will be applicable to House Bill No. 1263 before us now, House Bill No. 1264, House Bill No. 1265 and House Bill No. 1266, because they contain the same subject matter.

This General Assembly several years ago enacted into law a State Council on the Arts. We followed the Federal National Endowment on the Arts and have done what other States throughout the nation have done in order to meet the cultural

and artistic needs of the people of the various States. Our Arts Council receives an appropriation from this General Assembly and through the review and application process and audit process, we make grants to various Arts Councils, artistic organizations and festivals in order to increase the cultural and artistic needs of our people.

Mr. President, what we have before us now are nonpreferred appropriations which really will upset the geographic balance of support for the arts. We try as Arts Councils to balance its grants by areas as well as by functions. By seeking nonpreferred appropriations, these agencies, the subject matter of these four bills, circumvent this review process that we have set up and which this General Assembly provided for.

I might say that the Erie Symphony, for example, which is requesting \$70,000, the Lansdowne Symphony and the Schuylkill Council on the Arts, is the same legislation which was prepared last year. It appears that it was simply redrafted and reintroduced. You will recall, Mr. President, that last year this General Assembly appropriated through a nonpreferred appropriation to the Schuylkill Council on the Arts, \$85,000 for the acquisition and reconstruction of a building. This was done because the Arts Council, by its rules and regulations, is not permitted to give money for capital construction. They have now come in again in a bill for \$85,000.

We are told by the people in Schuylkill County they did not seek introduction of this legislation, that they would not know what to do with the \$85,000 requested in this bill. In addition, they have applications pending before the Arts Council for various grants for some of their programs.

What I am saying for Erie is true, also for the Lansdowne Symphony, and I did point out the difference for the Schuylkill Council on the Arts.

Mr. President, the American Wind Symphony Orchestra, which is the subject matter of House Bill No. 1265, has requested \$85,000 to take this American Wind Symphony outside of the Commonwealth of Pennsylvania for a series of concerts. The Arts Council cannot fund performances outside of the geographical boundaries of Pennsylvania. It would seem to me if we were to approve this, we would be setting a very dangerous precedent for every arts organization in the State to come in and ask for money to go on tour outside of the Commonwealth.

Mr. President, I hope the Members of this General Assembly would abide by its own legislation, which it enacted almost unanimously, in setting up an Arts Council to deal with the subject matter which are these nonpreferreds. There are other orchestras, symphony orchestras, one I can think of right now, the Northeast Symphony Orchestra, if it should come in with a grant application—and I am sure it has one—there would not be the money to be able to be given to other symphony orchestras or other arts organizations if we go the route these four bills have taken that are before us. I hope these bills will be defeated.

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—29

Arlene	Hankins,	McKinney,	Orlando,
Bell,	Kury,	Mellow,	Romanelli,
Bodack,	Lewis,	Messinger,	Ross,
Coppersmith,	Lincoln,	Moore,	Schaefer,
Dwyer,	Lloyd,	Murray,	Smith,
Early,	Loeper,	O'Connell,	Stout,
Gekas,	Lynch,	O'Pake,	Zemprelli,
Gurzenda,			

NAYS—19

Andrews,	Holl,	Kusse,	Snyder,
Corman,	Hopper,	Manbeck,	Stapleton,
Greenleaf,	Howard,	Pecora,	Stauffer,
Hager,	Jubelirer,	Price,	Tilghman,
Hess,	Kelley,	Reibman,	

Less than a constitutional two-thirds majority having voted "aye" the question was determined in the negative.

RECONSIDERATION OF HB 1263 NONPREFERRED APPROPRIATION

BILL OVER IN ORDER ON FINAL PASSAGE

HB 1263 (Pr. No. 1424) — Senator SMITH. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1263, Printer's No. 1424, failed of final passage.

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

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I request that House Bill No. 1263 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 1264 (Pr. No. 1425) — 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—28

Arlene,	Gurzenda,	McKinney,	Romanelli,
Bell,	Hankins,	Mellow,	Ross,
Bodack,	Lewis,	Messinger,	Schaefer,
Coppersmith,	Lincoln,	Murray,	Smith,
Dwyer,	Lloyd,	O'Connell,	Stout,
Early,	Loeper,	O'Pake,	Tilghman,
Gekas,	Lynch,	Orlando,	Zemprelli,

NAYS—20

Andrews,	Holl,	Kury,	Price,
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Corman,	Hopper,	Kusse,	Reibman,
Greenleaf,	Howard,	Manbeck,	Snyder,
Hager,	Jubelirer,	Moore,	Stapleton,
Hess,	Kelley,	Pecora,	Stauffer,

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

**RECONSIDERATION OF HB 1264
NONPREFERRED APPROPRIATION**

BILL OVER IN ORDER ON FINAL PASSAGE

HB 1264 (Pr. No. 1425) — Senator LOEPER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1264, Printer's No. 1425, failed of final passage. Senator HOWARD. Mr. President, I second the motion.

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

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

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

Senator LOEPER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I wonder if the gentleman could tell me how he voted on House Bill No. 1263, Printer's No. 1424?

Senator LOEPER. Mr. President, I voted in the affirmative.

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

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I request that House Bill No. 1264 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

**NONPREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION, DEFEATED ON FINAL PASSAGE**

HB 1265 (Pr. No. 1426) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator KURY. Mr. President, I was out in the hall and I was not voted. I want to make sure I was voted in the affirmative.

The PRESIDENT pro tempore. 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—27

Arlene,	Hankins,	McKinney,	Romanelli,
Bell,	Kury,	Mellow,	Ross,
Bodack,	Lewis,	Messinger,	Schaefer,

Coppersmith,	Lincoln,	Murray,	Smith,
Early,	Lloyd,	O'Connell,	Stout,
Gekas,	Loeper,	O'Pake,	Zemprelli,
Gurzenda,	Lynch,	Orlando,	

NAYS—21

Andrews,	Holl,	Kusse,	Reibman,
Corman,	Hopper,	Manbeck,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Greenleaf,	Jubelirer,	Pecora,	Stauffer,
Hager,	Kelley,	Price,	Tilghman,
Hess,			

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

**RECONSIDERATION OF HB 1265
NONPREFERRED APPROPRIATION**

BILL OVER IN ORDER ON FINAL PASSAGE

HB 1265 (Pr. No. 1426) — Senator SMITH. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1265, Printer's No. 1426, failed of final passage.

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

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I request that House Bill No. 1265 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

**NONPREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION, DEFEATED ON FINAL PASSAGE**

HB 1266 (Pr. No. 1427) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—27

Arlene,	Hankins,	Mellow,	Romanelli,
Bell,	Kury,	Messinger,	Ross,
Bodack,	Lewis,	Murray,	Schaefer,
Coppersmith,	Lloyd,	O'Connell,	Smith,
Early,	Loeper,	O'Pake,	Stout,
Gekas,	Lynch,	Orlando,	Zemprelli,
Gurzenda,	McKinney,	Pecora,	

NAYS—20

Andrews,	Hess,	Kelley,	Reibman,
Corman,	Holl,	Kusse,	Snyder,
Dwyer,	Hopper,	Manbeck,	Stapleton,
Greenleaf,	Howard,	Moore,	Stauffer,
Hager,	Jubelirer,	Price,	Tilghman,

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

**RECONSIDERATION OF HB 1266
NONPREFERRED APPROPRIATION**

BILL OVER IN ORDER ON FINAL PASSAGE

HB 1266 (Pr. No. 1427) — Senator SMITH. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1266, Printer's No. 1427, failed of final passage.

Senator GURZENDA. Mr. President, I second the motion.
The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I request that House Bill No. 1266 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

**NONPREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION AND FINAL PASSAGE**

HB 1267 (Pr. No. 1607) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

**RECONSIDERATION OF HB 1267
NONPREFERRED APPROPRIATION**

**BILL OVER IN ORDER TEMPORARILY
ON FINAL PASSAGE**

HB 1267 (Pr. No. 1607) — Senator SMITH. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1267, Printer's No. 1607, just passed finally.

Senator ORLANDO. Mr. President, I second the motion.
The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would request House Bill No. 1267 go over in its order.

The PRESIDENT pro tempore. At the request of Senator Zemprelli, without objection, House Bill No. 1267—

Senator ANDREWS. Mr. President, I object to House Bill No. 1267 going over in its order and ask for a roll call vote.

Senator ZEMPRELLI. Mr. President, just as the action on the roll call was complete, the action on the request for the House Bill No. 1267 going over was also complete, and I would ask that the rules be sustained equally.

Senator STAUFFER. Mr. President, there was not a vote taken on that motion, therefore, the action was not complete.

The PRESIDENT pro tempore. Does Senator Zemprelli wish to move that the House Bill No. 1267 go over in its order?

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move House Bill No. 1267 go over in its order.

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

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator TILGHMAN. Mr. President, is the Majority Leader a Trustee of Penn State University?

Senator ZEMPRELLI. Mr. President, I am, and I propose to vote for the appropriation and I am merely wishing to express the—

Senator TILGHMAN. Thank you, Mr. President.

Senator ZEMPRELLI. Mr. President, I think that a less than complete answer needs to be stated. There is no need to shadow box here. We have various appropriations that people on this side of the aisle are interested in and they are being voted against. I do not mean to say who they are or what the situation is, and there are other institutions that are of particular interest to people, myself, in common with others. I think it is only fair to be understood that when you are shooting down my John, somebody is going to shoot down your Harry. That is precisely the ball game we are talking about. Now there is no sense in even kidding one another in that regard. There are some people on this side of the aisle that feel that is what is happening.

We all have particular interests to a certain degree in some of these appropriations. I am not expressing my own view; I am a Trustee at Penn State, I am voting for this appropriation, I would hope that it would go through. But there are other people here who have a feeling that some of the people who are voting against these appropriations are all for themselves and not for anybody else. That is the sum of it, Mr. President.

Senator STAUFFER. Mr. President, I believe the Members recognize that involved in the vote on all of these appropriations is the philosophy of the individual Members as it relates

to the various types of proposals before us. I would believe it would be improper to put over or to defeat the appropriation to Penn State and, in effect, use that bill as a hostage toward gaining the affirmative vote for any other appropriation.

For that reason, I think we should face each individual appropriation squarely. I would ask the Members to vote in the negative on the move to put over House Bill No. 1267.

Senator ZEMPRELLI. Mr. President, I listened to the gentleman from Chester, Senator Stauffer, in his initial remarks, and to a great degree, I agree with him. I think the nonpreferred appropriations in many instances are the biggest political football that exist in the State. The problem that I have relating to the move at this time is that all of us have led these institutions to believe that with respect to their current fiscal problem, they would be receiving the funds that work their way through the Committee on Appropriations. I think there is a moral commitment at this time to continue these appropriations at this stage in the ball game. Yet, if you were going to talk in terms of the merit and the medal of what the gentleman from Chester, Senator Stauffer, said, and the time is now to tell these institutions that it is time to get away from the public funding, not at a time when appropriations are before us for final consideration and their budgets are made up and all the arm twisting and everything else is going to take place.

I think we have a moral obligation not to wreck these institutions by virtue of our failure to provide these funds. There are no new institutions on the nonpreferreds. I would suggest perhaps with one exception there may be one, with regard to an Epileptic Society, or maybe two or three, which have some justification. But that is the part I object to. The fact that we would send forth a message of non-funding at this late hour.

What we should be doing is sending this message down the road for next year. That is a built-in part of the objection that is taking place here and the maneuvering that is being done in the failure to support these appropriations at this time. It is a surprise. It comes as a surprise to these institutions and I am sure none of them are prepared to address themselves to that problem at this late moment.

Mr. President, I would ask the Members of the Senate to reconsider on that basis; if they have a strong feeling that these nonpreferreds should not be continued in the future, we should direct our attention to that for the fiscal period 1980-81. That is the stand I would take and I would hope that would be the stand that allows for the impetus for the action that is being taken here. There is no question that we are now into an area of taking reprisals for some of the votes that have come from the other side of the aisle and some of the appropriations that are keen and fond to some of the Members of my caucus. I support that move for the moment. I am sorry. I do not want to make any apology for that.

Senator ANDREWS. Mr. President, I was just going to point out that we are playing the same silly game we play each year, that if you do not vote for all the nonpreferreds, we are not going to vote for any that are in your district. That just happens to rest on the shoulders of the gentleman from Centre, Senator Corman, because it is Penn State.

We are giving away over \$300 million in taxpayers' money on

these nonpreferred appropriations. That just comes out to a little over \$25 for every man, woman and child in the Commonwealth of Pennsylvania. That amounts to more money than the average that the people of Pennsylvania are going to pay as a result of a two cent gasoline tax increase we had here a couple of weeks ago and we hassled with that for several months.

Mr. President, today we are coming in and we are voting to give away \$300 million. The gentleman from Allegheny, Senator Zemprelli, is apparently going to say we are not going to give away the money to Penn State. I do not know where the gentleman is, but when this roll call is complete, I am going to move all the nonpreferreds over and I will get voted down, but I think if we are going to send these institutions a message that we are not going to give them money in the future, well, let us send them the message; put it over until September, and let them take cognizance of that.

Senator HOWARD. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator HOWARD. Mr. President, if we are sending the institutions a message, maybe I am sort of interested in what the lady from Northampton, Senator Reibman, said about one of the appropriations where the institution was sending us a message. I am speaking specifically of the Schuylkill County Council for Arts. As I understand Senator Reibman, who is a member of the Arts Council, they are telling us that they do not need it and do not know what to do with it. Did the gentleman from Allegheny intend that should be one of the messages we send them or is he excluding that from his comments?

Senator ZEMPRELLI. Mr. President, is that in the form of an interrogatory? I understand from speaking to the gentleman from Schuylkill, Senator Gurzenda, that that institution wants this money. The question of whether they want it or not was a question that I raised with Senator Gurzenda because I had a request from the lady from Northampton, Senator Reibman, to substitute that money for other purposes that had an interest that the lady had in it. The gentleman from Schuylkill, Senator Gurzenda, indicated to me that he was interested in that money for that institution.

PERSONAL PRIVILEGE

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

The PRESIDENT pro tempore. The lady from Northampton, Senator Reibman, will state it.

Senator REIBMAN. Mr. President, the Majority Leader mentioned my name and said I came to him and asked that this appropriation be substituted for something in which I was interested. I have no interest in any particular nonpreferred. What I did ask was that the appropriations for the line items for these four institutions be put together into an additional appropriation for the Pennsylvania Council on the Arts, so we would have a much better appropriation bill with which to work to help arts institutions throughout the Commonwealth, and that we ought to be doing what other States are doing in

trying to promote the arts. It is fine for business as well in that it brings a lot of tourism into Pennsylvania.

We have a great historic and artistic heritage in this State. We are not taking advantage of it the way we should, the way other states do it. If we continue the line of line items like this, there is no rhyme or reason or rationale to do it the way we are doing it today. The best way, Mr. President, is the way the Legislature intended for this to be done when they set up the Council on the Arts, just like all the other fifty States have done, so that we can also get money from the National Endowment on the Arts. The way we are doing this now, we stand to lose quite a bit of money from the National Endowment.

Senator ZEMPRELLI. Mr. President, the lady from Northampton, Senator Reibman, is correct. That is precisely what I said that the lady asked that this appropriation be transferred to another appropriation. There is no question that the lady's statement is accurate. The only point that I am raising here, and I think it needs to be straightened out, is that I propose to vote for the Penn State appropriation. Of all the appropriations that are on the nonpreferred list, the two that appeal to me most is the University of Pittsburgh and Penn State University. So, Mr. President, anybody that is suggesting that I am not voting for the two, is absolutely incorrect. The point recurs, and I think it is one that is being overlooked. These bills came from the Republican House. Starting with the first appropriation bill, they all passed overwhelmingly. I think the institutions that are involved here had every right to believe, in the absence of any rejection by this Body, that they would have the right to rely upon these funds for this given fiscal year. The point that I make is, that by withdrawing these funds at this time and getting into the same debacle that we have gotten in every year that I have been here when reprisals and the like have taken place here, are not only disgusting but it will be reversed down the road and there is no sense in playing games with one another.

Mr. President, I am not going to mention Senators' names but you have voted continuously against those appropriations that have some merit with some of the Members of our caucus. When you do that, you can very much expect those Senators also to take the same kind of attitude towards those types of appropriations that are fond to your heart. That is the game that is being played. Regretful. I hate it. I think it is terrible; I think it reflects badly on the General Assembly. I think it is about time we quit playing games with one another, pass these appropriations and direct ourselves to the remarks that were made by the gentleman from Chester, Senator Stauffer, as to the merit of why we are in it to begin with.

RECESS

Senator STAUFFER: Mr. President, I would request a short recess of the Senate for the purpose of a Republican caucus which should not last very long. I would ask the Republican Members to come to our caucus room immediately.

Senator ZEMPRELLI. Mr. President, I would request a short caucus of the Democratic caucus in the Rules room to the rear of the Chamber.

The PRESIDENT pro tempore. The Senate will stand in recess for short caucuses.

AFTER RECESS

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

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

MOTION WITHDRAWN

Senator ZEMPRELLI. Mr. President, I withdraw my motion to have House Bill No. 1267, Printer's No. 1607 go over in its order and I would ask that the bill go over temporarily.

The PRESIDENT pro tempore. At the request of Senator Zempirelli, without objection, House Bill No. 1267 will go over temporarily.

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER TEMPORARILY

HB 1268, 1269 and 1270 — Without objection, the bills were passed over in their order temporarily at the request of Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1271 (Pr. No. 1432) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator DWYER. Mr. President, I would just like to point out to the Membership that this is the first of many appropriation bills that would appropriate State funds to institutions that provide undergraduate education. Delaware Valley College, Drexel University, and skipping on down, there are a number of colleges that provide undergraduate education. These are different than the medical schools that provide services to the State. They are different than Penn State, Pitt, Temple and Lincoln, which are State-related universities to which we have a responsibility. These are private colleges that provide undergraduate education. There is no rhyme nor reason why they should receive these appropriations.

Several years ago we did pass the Institutional Assistance Grant Program which provides State funds on an equitable formula basis to all the private undergraduate institutions in the State. There is no more rhyme nor reason for Delaware or Drexel to receive these funds than there is for Gettysburg or Geneva. They should be under the Institutional Assistance Grant Program just as the scores of other private schools in the State, and it is time we eliminate this favoritism.

Mr. President, I would urge a "no" 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—44

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

NAYS—5

Andrews,	Hess,	Manbeck,	Stapleton,
Dwyer,			

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

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

HB 1272 (Pr. No. 1433) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Hess,	Manbeck,	Stapleton,
Dwyer,	Kelley,		

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

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

HB 1273 (Pr. No. 1434) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of

the Constitution and were as follows, viz:

YEAS—47

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

NAYS—2

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

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

NONPREFERRED APPROPRIATION
BILL ON THIRD CONSIDERATION AMENDED

HB 1274 (Pr. No. 1435) — Considered the third time,

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

Amend Sec. 1, page 1, line 10, by striking out
"\$1,532,000" and inserting: \$1,832,000

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

Senator FUMO. Mr. President, this amendment would allow an increase of \$300,000 to the appropriation of the Thomas Jefferson University, the College of Allied Health Sciences. This is the college that educates the nurses, technicians and physicians' assistants and paramedicals that are so vitally needed in the Commonwealth.

The accomplishments of Jefferson Medical College, I am sure, are well-known to everyone here. Their graduates number in great numbers in our counties in the rural areas. Their graduates are practicing general medicine and serving all our areas. The physicians' assistants and paramedical programs offered by the Allied Health Sciences college would enable doctors to expand their programs to allow them to treat more people in Pennsylvania than they are presently doing.

Mr. President, I would ask for a "yes" vote on this amendment.

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

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

YEAS—41

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

NAYS—8

Coppersmith,	Hess,	Messinger,	Tilghman,
Early,	Kelley,	Stauffer,	Zemprelli,

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

The PRESIDENT pro tempore. House Bill No. 1274 will go over, as amended.

NONPREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 1276 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1277 (Pr. No. 1438) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Moore,

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

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

HB 1278 (Pr. No. 1616) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

Senator SMITH. I will, Mr. President.

Senator ANDREWS. Mr. President, I would simply ask the gentleman why the tremendous increase in this appropriation this year, it is a 300 or 400 per cent increase. The rest of them went up but not by this figure.

Senator SMITH. Mr. President, having my memory refreshed, what happened on this one, they are increasing their appropriation so that they could give a reduced rate to in-state or Pennsylvania students. That is why the tremendous increase.

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

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

Senator SMITH. I will, Mr. President.

Senator STAUFFER. Mr. President, is it true that if we adopt this new program for the Philadelphia School of Optometry that next year it will be necessary for an even further significant increase in the appropriation in order to meet the program needs that are being established if House Bill No. 1278 is enacted?

Senator SMITH. Mr. President, it is my understanding that the appropriation made this year will be a constant number. It does not necessarily mean that it will be increased by a given number next year. It should stay relatively constant depending, of course, on inflation and the value of the dollar.

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

I would further respond that it was my understanding that this new program would necessitate an additional increase of perhaps \$200,000 more next year.

Senator ORLANDO. Perhaps, Mr. President, I can shed some light on this appropriation. As you well know, there are not too many optometry schools in this country. I think they number fourteen. Pennsylvania is very proud to have one of the largest and most respected internationally known institutions of optometry. If you had had the particular appropriations that were made last year, as an example, to your State-related institutions, the M. D. institutions and medical schools received \$7,465 for each and every student, immaterial whether he was a Pennsylvania resident or a resident of another State. For the State-aided institutions, the per capitation grant was \$4,400. In podiatry the per capitation was \$1,392, and in veterinary medicine, the per capitation again was \$8,800, and this again, whether or not that student was from Pennsylvania.

We have a relationship at the optometry college. The fact that many States do not have optometry schools, they contract with the college and then, in turn, the State pays for the resident of that State to attend, and they make a capitation grant for the student to attend the college of optometry. What

this does is that every Pennsylvania student in the first three years at the optometry school would get a per capitation of approximately \$4,400 which would cut out their tuition and make it equal with the out-of-state students.

Mr. President, I would like to point out there has been an expansion program. We have an eye institute now at the optometry college, which is world-renowned and we have made connections with Gannon College, Wilkes College and other colleges to get students to attend from rural communities guaranteeing them admission the same as the Hahnemann Program for Family Practice Medicine.

What this will do is to equalize tuition for the Pennsylvania resident who will be the only one getting this money as opposed to the out-of-state residents that we are paying for in our medical schools, in our podiatry schools and our veterinary medicine schools.

Senator HOWARD. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator HOWARD. Mr. President, I think all of us are very impressed by the gentleman's grasp of the issue and the information that he has given us. I wonder if the gentleman could add to the information how many students that are presently attending this school will be affected by these funds?

Senator ORLANDO. Mr. President, I think it is approximately 300 students, 385 students, something like that.

Senator HOWARD. Mr. President, would it be a fair statement to say that we are going to use \$600,000 to the benefit of 300 students, or approximately \$2,000 per student?

Senator ORLANDO. Mr. President, that is approximately right, but it is all Pennsylvania students as opposed to the millions of dollars we are giving to the medical schools, which money goes to out-of-state students as well as Pennsylvania residents. This money is strictly for Pennsylvania residents attending the Pennsylvania College of Optometry. None of the money will go to out-of-state students.

Senator HOWARD. Mr. President, my only concern is that I think what we do here is watched very closely by many institutions in this State who confront the same kind of economic squeeze that this school does. I am, just in my own mind, trying to decide how I can justify it even though the merits of the argument may be very persuasive. At the same time what concerns me is that there is a 400 per cent increase in one crack; with the prospect of additional increases, it certainly gives rise to the possibility that other people may wish the same kind of treatment, those who are convinced that their arguments are as equally persuasive.

Mr. President, I am again stuck in the same kind of a spot so many of us often are, that is, I am probably going to have to vote against House Bill No. 1278, despite the fact that I think the issue has substantial merit, largely because I am afraid that the precedent the size of the increase creates is going to cause an awful lot of problems to a system already heavily burdened.

Senator ORLANDO. Mr. President, I might also add that the State Board of Education recommended the level of support for

this coming year. As an example they increased the State-related institutions. Their recommendation was from \$7,465 to \$11,670. For the State-aided institutions from \$4,400 to \$5,335 and for veterinary medicine from \$8,813 to \$9,720. The increase for the Pennsylvania College of Optometry was from \$385 to \$1,070.

Senator ROMANELLI. Mr. President, I would like to thank my colleague from Erie, Senator Orlando, for opening my eyes to what this appropriation does.

And the question recurring,
Shall the bill pass finally?

YEAS—38

Andrews,	Hess,	McKinney,	Price,
Arlene,	Hopper,	Mellow,	Reibman,
Bell,	Jubelirer,	Messinger,	Romanelli,
Coppersmith,	Kury,	Moore,	Ross,
Corman,	Kusse,	Murray,	Schaefer,
Early,	Lincoln,	O'Connell,	Smith,
Fumo,	Lloyd,	O'Pake,	Stapleton,
Gekas,	Loeper,	Orlando,	Tilghman,
Gurzenda,	Lynch,	Pecora,	Zemprelli,
Hankins,	Manbeck,		

NAYS—11

Bodack,	Hager,	Kelley,	Stauffer,
Dwyer,	Holl,	Lewis,	Stout,
Greenleaf,	Howard,	Snyder,	

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

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

HB 1279 (Pr. No. 1440) — 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—40

Arlene,	Hankins,	Loeper,	Price,
Bell,	Holl,	Lynch,	Reibman,
Bodack,	Hopper,	McKinney,	Romanelli,
Coppersmith,	Howard,	Mellow,	Ross,
Corman,	Jubelirer,	Messinger,	Schaefer,
Early,	Kury,	Moore,	Smith,
Fumo,	Kusse,	Murray,	Stauffer,
Gekas,	Lewis,	O'Connell,	Stout,
Greenleaf,	Lincoln,	O'Pake,	Tilghman,
Hager,	Lloyd,	Orlando,	Zemprelli,

NAYS—9

Andrews,	Hess,	Manbeck,	Snyder,
Dwyer,	Kelley,	Pecora,	Stapleton,
Gurzenda,			

A constitutional two-thirds majority of all the Senators hav-

ing voted "aye," the question was determined in the affirmative.

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

HB 1280 (Pr. No. 1441) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Kelley,

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

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

HB 1281 (Pr. No. 1442) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews,	Kelley,	Pecora,	Stapleton,
Dwyer,			

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

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

HB 1282 (Pr. No. 1443) — 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—41

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

NAYS—8

Andrews,	Hess,	Kelley,	Snyder,
Dwyer,	Holl,	Pecora,	Stapleton,

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

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

HB 1283 (Pr. No. 1921) — 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—44

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

NAYS—5

Andrews, Greenleaf, Kelley, Stapleton,
Dwyer,

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

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

HB 1284 (Pr. No. 1445) — 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—42

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

NAYS—7

Andrews, Greenleaf, Kelley, Stapleton,
Dwyer, Hess, Pecora,

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

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

HB 1285 (Pr. No. 1446) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews, Greenleaf, Hess, Stapleton,
Dwyer,

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

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

HB 1286 (Pr. No. 1447) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews, Greenleaf, Kelley, Stapleton,
Dwyer, Hess,

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

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

HB 1288 (Pr. No. 1449) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—2

Andrews, Kelley,

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

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

HB 1289 (Pr. No. 1450) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Andrews,

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

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

HB 1290 (Pr. No. 1451) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews, Hager, Kelley, Stauffer,
Greenleaf,

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

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

HB 1291 (Pr. No. 1452) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

Andrews, Dwyer, Hager, Stauffer,

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

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

HB 1292 (Pr. No. 1453) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews, Greenleaf, Kelley, Stauffer,
Dwyer, Hager,

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

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

HB 1293 (Pr. No. 1454) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews, Greenleaf, Kelley, Manbeck,
Dwyer, Hess,

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

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

HB 1294 (Pr. No. 1455) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—3

Andrews, Greenleaf, Hess,

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

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

HB 1295 (Pr. No. 1456) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—3

Andrews, Greenleaf, Hess,

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

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

HB 1296 (Pr. No. 1457) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I urge every Member of the Senate to vote for House Bill No. 1296.

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—44

Arlene,	Holl,	Lynch,	Reibman,
Bell,	Hopper,	Manbeck,	Romanelli,
Bodack,	Howard,	McKinney,	Ross,
Coppersmith,	Jubelirer,	Mellow,	Schaefer,

Corman,	Kelley,	Messinger,	Smith,
Early,	Kury,	Moore,	Snyder,
Fumo,	Kusse,	Murray,	Stapleton,
Gekas,	Lewis,	O'Connell,	Stauffer,
Gurzenda,	Lincoln,	O'Pake,	Stout,
Hankins,	Lloyd,	Pecora,	Tilghman,
Hess,	Loeper,	Price,	Zemprelli,

NAYS—5

Andrews,	Greenleaf,	Hager,	Orlando,
Dwyer,			

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

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

HB 1297 (Pr. No. 1458) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

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

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

HB 1298 (Pr. No. 1459) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Arlene,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,

Coppersmith,	Hopper,	Mellow,	Schaefer,
Corman,	Howard,	Messinger,	Smith,
Dwyer,	Jubelirer,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	Stauffer,
Gekas,	Lewis,	O'Pake,	Stout,
Greenleaf,	Lincoln,	Orlando,	Tilghman,
Gurzenda,	Lloyd,	Pecora,	Zemprelli,
Hager,	Loeper,	Price,	

NAYS—2

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

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

HB 1299 (Pr. No. 1460) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

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

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

HB 1301 (Pr. No. 1462) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Arlene,	Hankins,	Manbeck,	Reibman,
Bell,	Holl,	McKinney,	Romanelli,

Bodack,	Hopper,	Mellow,	Ross,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kury,	Murray,	Snyder,
Early,	Kusse,	O'Connell,	Stapleton,
Fumo,	Lewis,	O'Pake,	Stauffer,
Gekas,	Lincoln,	Orlando,	Stout,
Greenleaf,	Lloyd,	Pecora,	Tilghman,
Gurzenda,	Loeper,	Price,	Zemprelli,
Hager,	Lynch,		

NAYS—3

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

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

HB 1302 (Pr. No. 1463) — 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—41

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

NAYS—8

Andrews,	Greenleaf,	Kelley,	Stauffer,
Dwyer,	Hager,	Snyder,	Tilghman,

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

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

**NONPREFERRED APPROPRIATION
BILLS ON THIRD CONSIDERATION AMENDED**

HB 1303 (Pr. No. 1464) — Considered the third time,

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

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

Amend Sec. 1, page 1, line 6, by striking out "\$100,000," and inserting: \$150,000,

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

Senator McKINNEY. Mr. President, I rise to offer this amendment for the University of Pennsylvania Museum. I must admit, Mr. President, I am not as astute on museums and art as my good friend, the lady from Northampton, Senator Reibman. I think it is a very, very worthy cause. In 1977 and 1978, the University of Pennsylvania Museum provided free films, exhibits and slides to libraries and schools in more than half of the counties in the Commonwealth of Pennsylvania.

In 1979 the University of Pennsylvania Museum, supported by a national endowment for the humanities, made some thirty-three lectures on the splendor of life among the pharaohs available at cost in the Tri-State area. Half of these were presented in Philadelphia schools, in Pennsylvania schools, libraries, senior citizen centers and other communities. Directly or indirectly, the University of Pennsylvania Museum provides services to every child in Pennsylvania. With a total of approximately 2,046,000 children now enrolled in public schools, the cost is minimal. In the Commonwealth it would cost less than five cents per child.

Mr. President, I think it is a very worthy amendment to add this additional \$50,000 for the University of Pennsylvania Museum to carry out its work. As I said before, I am not very much into museums and art, as my good friend, the lady from Northampton, Senator Reibman, and perhaps, the gentleman from Indiana, Senator Stapleton. Perhaps why I am not, Mr. President, is because I recall about ten years ago a stage play came to the Academy of Music in Philadelphia, I think it was by the name of "Hair." Everybody danced nude on the stage for about two hours. Five hours later, I attended a discotheque in my district, five people danced in the nude and they were all locked up. So you see, Mr. President, that is why I am not too hot on the arts, so to speak. I will ask for support from both sides of the aisle.

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

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

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

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

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

YEAS—34

Bell,	Holl,	Mellow,	Price,
Bodack,	Kelley,	Messinger,	Reibman,
Coppersmith,	Kury,	Moore,	Romanelli,
Corman,	Lincoln,	Murray,	Ross,
Early,	Lloyd,	O'Connell,	Schaefer,
Fumo,	Loeper,	O'Pake,	Smith,
Gekas,	Lynch,	Orlando,	Stout,
Gurzenda,	Manbeck,	Pecora,	Zemprelli,
Hankins,	McKinney,		

NAYS—13

Andrews,	Hess,	Kusse,	Stapleton,
Dwyer,	Hopper,	Lewis,	Stauffer,
Greenleaf,	Jubelirer,	Snyder,	Tilghman,
Hager,			

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

The PRESIDENT pro tempore. House Bill No. 1303 will go over, as amended.

HB 1304 (Pr. No. 1465) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 6, by striking out "\$100,000," and inserting: \$150,000,

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, what this does is raise the Carnegie Museum appropriation from \$100,000 to \$150,000, the same as the Philadelphia Civic Center Museum. Although the museum is located within the City of Pittsburgh, the museum is constantly used by schools from all over western Pennsylvania, and this museum is used for teaching purposes. It is the cultural center that is used by all of the schools in western Pennsylvania. I would ask support for this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—32

Arlene,	Gurzenda,	Manbeck,	Price,
Bell,	Hankins,	McKinney,	Reibman,
Bodack,	Holl,	Messinger,	Romanelli,
Coppersmith,	Kury,	Murray,	Ross,
Corman,	Lincoln,	O'Connell,	Schaefer,
Early,	Lloyd,	O'Pake,	Smith,
Fumo,	Loeper,	Orlando,	Stout,
Gekas,	Lynch,	Pecora,	Zemprelli,

NAYS—16

Andrews,	Hess,	Kusse,	Snyder,
Dwyer,	Hopper,	Lewis,	Stapleton,
Greenleaf,	Jubelirer,	Mellow,	Stauffer,
Hager,	Kelley,	Moore,	Tilghman,

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

The PRESIDENT pro tempore. House Bill No. 1304 will go over, as amended.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1305 (Pr. No. 1922) — 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—44

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

NAYS—5

Andrews,	Hess,	Kelley,	Stapleton,
Dwyer,			

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

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

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AMENDED

HB 1306 (Pr. No. 1467)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 5, by striking out "\$5,000," and inserting: \$10,000,

On the question,

Will the Senate agree to the amendment?

Senator LYNCH. Mr. President, this increase of \$5,000 is for material and supplies for the Academy of Fine Arts.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—35

Andrews,	Hankins,	Manbeck,	Pecora,
Arlene,	Holl,	McKinney,	Price,
Bell,	Howard,	Mellow,	Reibman,
Bodack,	Kelley,	Messinger,	Romanelli,
Coppersmith,	Kury,	Moore,	Ross,
Corman,	Lincoln,	Murray,	Schaefer,
Early,	Lloyd,	O'Connell,	Smith,

Fumo,	Loeper,	O'Pake,	Zemprelli,
Gurzenda,	Lynch,	Orlando,	

NAYS—12

Dwyer,	Hager,	Jubelirer,	Stapleton,
Gekas,	Hess,	Kusse,	Stauffer,
Greenleaf,	Hopper,	Snyder,	Tilghman,

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

The PRESIDENT pro tempore. House Bill No. 1306 will go over, as amended.

HB 1307 (Pr. No. 1468)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 5, by striking out "\$225,000" and inserting: \$275,000

On the question,

Will the Senate agree to the amendment?

Senator LYNCH. Mr. President, this increases the appropriation by \$50,000 to maintain the College of Natural Sciences.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—35

Arlene,	Holl,	McKinney,	Price,
Bell,	Howard,	Mellow,	Reibman,
Bodack,	Kelley,	Messinger,	Romanelli,
Coppersmith,	Kury,	Moore,	Ross,
Corman,	Lincoln,	Murray,	Schaefer,
Early,	Lloyd,	O'Connell,	Smith,
Fumo,	Loeper,	O'Pake,	Tilghman,
Gurzenda,	Lynch,	Orlando,	Zemprelli,
Hankins,	Manbeck,	Pecora,	

NAYS—12

Andrews,	Greenleaf,	Hopper,	Snyder,
Dwyer,	Hager,	Jubelirer,	Stapleton,
Gekas,	Hess,	Kusse,	Stauffer,

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

The PRESIDENT pro tempore. House Bill No. 1307 will go over, as amended.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1308 (Pr. No. 1923) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Hess,	Snyder,	Stapleton,
Dwyer,	Kelley,		

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

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

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AMENDED

HB 1309 (Pr. No. 1470) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 5, by striking out "\$100,000," and inserting: \$150,000,

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, I rise today to offer this amendment for a colleague of mine who is not able to be in the Senate today. The Buhl Planetarium resides in his district and, like Carnegie Museum, it is a teaching institution used by school children from all over western Pennsylvania. They do work in regard to astronomy and the sky labs. It is particularly important at this time that sky lab is falling that they be able to trace it. I am offering this amendment for the gentleman from Allegheny, Senator Scanlon.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—33

Arlene,	Hankins,	Manbeck,	Pecora,
Bell,	Holl,	McKinney,	Price,
Bodack,	Kury,	Mellow,	Reibman,
Coppersmith,	Lewis,	Messinger,	Romanelli,
Corman,	Lincoln,	Moore,	Ross,
Early,	Lloyd,	Murray,	Schaefer,
Fumo,	Loeper,	O'Connell,	Smith,
Gekas,	Lynch,	Orlando,	Zemprelli,
Gurzenda,			

NAYS—14

Andrews,	Hess,	Kelley,	Stapleton,
Dwyer,	Hopper,	Kusse,	Stauffer,
Greenleaf,	Howard,	Snyder,	Tilghman,
Hager,	Jubelirer,		

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

The PRESIDENT pro tempore. House Bill No. 1309 will go over, as amended.

HB 1310 (Pr. No. 1615) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 5, by striking out "\$100,000," and inserting: \$150,000,

On the question,

Will the Senate agree to the amendment?

Senator LYNCH. Mr. President, this increases the appropriation \$50,000 for the education of children that visit the museum.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—36

Arlene,	Hankins,	McKinney,	Price,
Bell,	Holl,	Mellow,	Reibman,
Bodack,	Kury,	Messinger,	Romanelli,
Coppersmith,	Lewis,	Moore,	Ross,
Corman,	Lincoln,	Murray,	Schaefer,
Early,	Lloyd,	O'Connell,	Smith,
Fumo,	Loeper,	O'Pake,	Stout,
Greenleaf,	Lynch,	Orlando,	Tilghman,
Gurzenda,	Manbeck,	Pecora,	Zemprelli,

NAYS—13

Andrews,	Hess,	Jubelirer,	Snyder,
Dwyer,	Hopper,	Kelley,	Stapleton,
Gekas,	Howard,	Kusse,	Stauffer,
Hager,			

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

The PRESIDENT pro tempore. House Bill No. 1310 will go over, as amended.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1311 (Pr. No. 1472) — 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—41

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

NAYS—8

Andrews,	Greenleaf,	Hess,	Snyder,
Dwyer,	Hager,	Kelley,	Stauffer,

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

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

HB 1312 (Pr. No. 1473) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews,	Greenleaf,	Hager,	Hess,
Dwyer,			

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

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

HB 1313 (Pr. No. 1474) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—2

Andrews, Greenleaf,

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

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

HB 1314 (Pr. No. 1475) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

Andrews, Dwyer, Greenleaf, Hess,

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

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

HB 1316 (Pr. No. 1477) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews, Greenleaf, Hager, Hess,
Dwyer,

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

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

HB 1317 (Pr. No. 1478) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—3

Andrews, Dwyer, Greenleaf,

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

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

HB 1318 (Pr. No. 1479) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—5

Andrews,	Greenleaf,	Hager,	Stauffer,
Dwyer,			

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

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

HB 1319 (Pr. No. 1480) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1320 (Pr. No. 1481) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1321 (Pr. No. 1482) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1322 (Pr. No. 1483) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1323 (Pr. No. 1484) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1324 (Pr. No. 1485) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1325 (Pr. No. 1486) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Andrews,	Greenleaf,	Hess,	Stauffer,
Dwyer,	Hager,		

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

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

HB 1326 (Pr. No. 1487) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1334 (Pr. No. 1495) — 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—40

Arlene,	Hess,	Lynch,	Pecora,
Bell,	Holl,	Manbeck,	Reibman,
Bodack,	Hopper,	McKinney,	Romanelli,
Coppersmith,	Jubelirer,	Mellow,	Ross,
Corman,	Kelley,	Messinger,	Schaefer,
Early,	Kury,	Moore,	Smith,
Fumo,	Lewis,	Murray,	Stapleton,
Gekas,	Lincoln,	O'Connell,	Stout,
Gurzenda,	Lloyd,	O'Pake,	Tilghman,
Hankins,	Loeper,	Orlando,	Zemprelli,

NAYS—9

Andrews,	Hager,	Kusse,	Snyder,
Dwyer,	Howard,	Price,	Stauffer,
Greenleaf,			

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

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

RECESS

Senator ZEMPRELLI. Mr. President, I have been prevailed upon to call a recessed meeting of the Committee on Rules and Executive Nominations to consider the appointment of Stanley Miller as Commissioner of Professional Licensure. I would ask that there be a meeting of the Committee on Rules and Executive Nominations forthwith in the Rules Committee room to the rear of the Chamber, at which time we will consider that nomination as well as several resolutions.

I would also remind the Members of the Senate that it is very imperative that we remain in Session. There are a number of controversial bills on third consideration which if not voted upon today will be deleted from the Calendar because they are on their tenth day for consideration.

Senator STAUFFER. Mr. President, I would also remind the gentleman from Allegheny, Senator Zemprelli, and the other Members, that we do have to go back to those bills which were passed over temporarily on the nonpreferred appropriation list.

Senator ZEMPRELLI. Mr. President, I am aware of that and I would rather hold those in suspension so that we have Members who will remain here for the completion of the Calendar.

The PRESIDENT pro tempore. The Senate will be in recess for the purpose of a meeting of the Committee on Rules and Executive Nominations.

AFTER RECESS

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 86 (Pr. No. 86) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I am extremely concerned that there are Members of the Senate not presently on the floor. This is one of the bills that is rather controversial and I am certain that there are Members who would probably want to be voted either affirmatively or negatively, who are not here present. I would remind the Members who are not on the floor that there are other bills to be considered of the same magnitude and would hope they would return to the floor for the purpose of considering this legislation.

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—43

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

NAYS—5

Bell,	Hess,	Snyder,	Stauffer,
Bodack,			

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 298 (Pr. No. 915) — 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?

PARLIAMENTARY INQUIRY

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

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

Senator STAUFFER. Mr. President, according to Rule XIV, Section 16(b), the Rules of the Senate require that any bill which may require an expenditure of funds shall be sent to the Committee on Appropriations for a fiscal note. Should not Senate Bill No. 298 require a fiscal note? Is it proper for it to be before the Senate without a fiscal note having been attached?

The PRESIDENT pro tempore. We discussed Senate Bill No. 298 today and we have looked over the bill and on the advice of the sponsor, it does not require a fiscal note.

Senator KURY. Mr. President, if you look on page 25 of Senate Bill No. 298, lines 4 through 10, it is transferring the existing appropriation which is \$600,000 to the Council. It also transfers the employees and the properties. It is not creating any new agency or creating any new personnel or new expenditures. What this bill is doing that is new is adding legal authority to act. So, we have the appropriation and a fiscal note is not needed.

Senator STAUFFER. Mr. President, I would point out to the gentleman from Northumberland, Senator Kury, and to the Members of the Senate, that the question regarding the rule does not pertain to the additional expenditure of funds. The rule says nothing about additional expenditure, the rule says expenditure. The fact is there will be an expenditure, and that there may, but no one knows what the expenditure requirements may be until this new agency is established, until the re-

quests are made. That is why it is my belief, Mr. President, that it does require a fiscal note and it is the reason why I do not believe that Senate Bill No. 298 is in proper order for this Senate to consider.

Senator KURY. Mr. President, we are not creating a new agency, we are taking the existing agency, we are giving it legal authority and we are turning over to it the existing funds and personnel. Therefore, I respectfully disagree with my colleague from Chester, Senator Stauffer.

And the question recurring,
Shall the bill pass finally?

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

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

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

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

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

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

YEAS—34

Andrews,	Hankins,	McKinney,	Reibman,
Arlene,	Holl,	Mellow,	Romanelli,
Bell,	Howard,	Messinger,	Ross,
Bodack,	Kelley,	Murray,	Schaefer,
Coppersmith,	Kury,	O'Pake,	Smith,
Early,	Lewis,	Orlando,	Stapleton,
Fumo,	Lincoln,	Pecora,	Stout,
Greenleaf,	Lloyd,	Price,	Zemprelli,
Gurzenda,	Lynch,		

NAYS—15

Corman,	Hess,	Loeper,	Snyder,
Dwyer,	Hopper,	Manbeck,	Stauffer,
Gekas,	Jubelirer,	Moore,	Tilghman,
Hager,	Kusse,	O'Connell,	

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 392 (Pr. No. 414) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrews,	Hankins,	Loeper,	Price,
Arlene,	Hess,	Lynch,	Reibman,
Bell,	Holl,	Manbeck,	Romanelli,
Bodack,	Hopper,	McKinney,	Ross,
Coppersmith,	Howard,	Mellow,	Schaefer,

Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	Stauffer,
Gekas,	Lewis,	O'Pake,	Stout,
Greenleaf,	Lincoln,	Orlando,	Tilghman,
Gurzenda,	Lloyd,	Pecora,	Zemprelli,
Hager,			

NAYS—0

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

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

SB 650 (Pr. No. 1011) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator SNYDER. Mr. President, there is one element in this bill that would be disturbing, I think. Perhaps the Members have not noticed it as I did not until recently. Senate Bill No. 650 applies not simply to State officials but also to elected officials of any political subdivision, which means that it would apply to tens of thousands, I suppose, of borough, township and city officials over the State. Among them, Mr. President, there could well be some people who hold quite responsible positions in industry or in the universities or in professional life who might conceivably have opportunities to speak and at fees exceeding \$500. It would seem to me this would either prevent them from speaking, if they now serve on a school board or in some capacity, or they would have to forego serving their local government. We are sometimes very fortunate to have people who are very well-established and highly skilled in their fields serving in local government and we certainly ought not to discourage that.

It would seem to me, Mr. President, that to prevent impeding the dissemination of knowledge for one thing or to prevent some good people from participating in local government, this bill suffers that defect. Mr. President, that would be my reason for voting against Senate Bill No. 650.

Senator MANBECK. Mr. President, I had no intention of speaking on this piece of legislation, especially when my illustrious colleague from Lancaster, Senator Snyder, opposes this legislation. Senate Bill No. 650 is nothing new to the Senate of Pennsylvania. We had this before us in the previous Session, and I would like to congratulate the Chairman of the committee on State Government for considering the bill and bringing it before this Body.

When we talk about responsible people, people that have an opportunity to write or to speak or to, for instance, write in the Wall Street Journal, or other important publications and perhaps use the information they have gathered from serving with us. I think we are responsible people here in the Senate of Pennsylvania. I thought, when I introduced the legislation, about a

previous Governor who fired one of his appointees because they had accepted honorariums, where they claimed that that person had used State facilities, such as typewriters, persons who were working on the State payroll and other facilities. I believe that we, as Legislators, have a responsibility to the people of the Commonwealth of Pennsylvania. I remember well when I was a candidate going around campaigning and a group of women voters questioned me about the salary that I was receiving and they objected to us getting a raise in a salary. I understand there is a bill before us today. If we are not supposed to receive a higher salary, and I do not want to receive a higher salary, I am not campaigning for that, but I say to you that if the people of Pennsylvania think that we are worth the \$18,000 some odd that we are receiving and that is all we should receive, I cannot for the life of me see why we do not want to create credibility. Make the people believe we are here to serve them because we believe in good government and not because we want to rip them off with taxes and then go out and use other facilities in the Capitol or in other home offices which are paid for by the taxpayers.

I appeal to all of you tonight to vote "yes" on this legislation. I had hoped we could pass it in its original form. I can tell you the people of the Forty-eighth Senatorial District do not understand \$25,000 additional in honorariums or fees that you would be paid for writing an article in the Wall Street Journal or other publications. I again appeal to the Members to vote "yes" on Senate Bill No. 650.

Senator ROMANELLI. Mr. President, I have never made a dime for an honorarium. I have never asked for a dime to make a speech or to appear anywhere. This is just another one of those pieces of legislation that is coming down the pike to relegate elected officials to second class citizenship. Think about that, gentleman, ladies, when you cast your vote. Why should we, just because we are elected officials, be curtailed in our income abilities. I think it is wrong. I think somewhere along the line we have got to stop it and I think this is a good place to start.

Senator ANDREWS. Mr. President, I would like to point out that nowhere in Senate Bill No. 650 is the word "honorarium" defined. I do not know whether anyone could tell me what an honorarium is. If an honorarium means a gift you get for a speaking engagement, the simple way around it is to charge somebody to speak. I think there are some real technical flaws to this particular bill that are going to enable the courts really to write what the law is. We are not going to be writing it, we are just going to pass this vague, broad, undefinable piece of legislation and the courts will end up interpreting what it will be and we will be bound by court decisions rather than by our own acts.

Mr. President, I intend to vote against Senate Bill No. 650. I think it is too unclear and too vague for anyone to live with.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Snyder.

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

Senator SNYDER. I will, Mr. President.

Senator MELLOW. Mr. President, I apologize for not really

being able to hear what the gentleman from Lancaster, Senator Snyder, had to say, but would the gentleman just very briefly give the reasons for his opposition to Senate Bill No. 650 again?

Senator SNYDER. Yes, Mr. President, let me give an example, that might make it even more graphic. Joe Paterno does a lot of speaking. I am sure he receives more than \$500 a speech. He could not serve on a school board or on some local board in his home township if he was asked, because he would be excluding himself out of serving as a speaker.

Another example, which you Members on your side of the aisle would remember is James Michener, a distinguished author, I am sure he would command more than \$500. Now he is not presently holding any political office to my knowledge, but in the past he has and quite capably and ably. So, Mr. President, my point is that you are excluding out of service in local government some people who might serve very well and who presently, however, make some of their income by public speeches.

Senator MELLOW. Mr. President, could the gentleman from Lancaster, Senator Snyder, tell us how he would interpret page 2, lines 1 through 4 that deal with "An appointed officer who is entitled to receive wages and salary of less than \$15,000 from the Commonwealth or any political subdivisions shall not be subject to the provisions of this act." Would that not, in fact, exclude the individuals who the gentleman is referring to?

Senator SNYDER. Mr. President, no, I believe not, because a school director does not get paid, so he would not come within this exception and I doubt if many other local officials would either. I did not draw this amendment, but it seems to me that the amendment does not affect the point I made.

Senator MELLOW. Mr. President, could the gentleman tell me if it is his opinion or his understanding that a school director then would be covered under this provision?

Senator SNYDER. Mr. President, as I read it, he is an elected official of a political subdivision, yes.

Senator MELLOW. But, Mr. President, would he not have to have a salary in excess of \$15,000 to be covered in this provision?

Senator SNYDER. Mr. President, the prompting is correct. That only applies to appointed officers which I assume is meant to refer to cabinet officers.

Senator MELLOW. Mr. President, so then what the gentleman is telling us is that an appointed official, regardless of whether he receives a salary or not would come under the provisions of the honorarium, the limitations of \$500 and the aggregate of \$10,000?

Senator SNYDER. Mr. President, he would be excluded if he got less than \$15,000.

Senator MELLOW. Mr. President, I am a bit confused at this point then. Are we saying an elected official who does not receive compensation in excess of \$15,000 would not come under these limitations?

Senator SNYDER. Mr. President, an elected official would be under this prohibition whether his salary was \$1.00 or \$40,000, or if he is appointed.

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

Now I am more confused than I was before to be honest with you.

Senator McKINNEY. Mr. President, I rise to support the gentleman from Lebanon, Senator Manbeck. For the life of me, I cannot understand why there is so much opposition on the tenth day. Senate Bill No. 650 has been on the Calendar for ten days. Here, the final day, everybody finds opposition, particularly on his side of the aisle. I am quite shocked and amazed. Mr. President, I just want to say that the gentleman from Lebanon, Senator Manbeck, is in good shape because everybody is afraid to vote against the bill. So, the gentleman has the votes.

And the question recurring,

Shall the bill pass finally?

YEAS—35

Bell,	Holl,	Lynch,	Orlando,
Bodack,	Hopper,	Manbeck,	Price,
Coppersmith,	Jubelirer,	McKinney,	Reibman,
Dwyer,	Kury,	Mellow,	Schaefer,
Early,	Kusse,	Messinger,	Smith,
Gekas,	Lewis,	Moore,	Stapleton,
Greenleaf,	Lincoln,	Murray,	Stout,
Gurzenda,	Lloyd,	O'Connell,	Zemprelli,
Hankins,	Loeper,	O'Pake,	

NAYS—13

Andrews,	Hess,	Pecora,	Snyder,
Corman,	Howard,	Romanelli,	Stauffer,
Fumo,	Kelley,	Ross,	Tilghman,
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.

RECONSIDERATION OF SB 650

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 650 (Pr. No. 1011) — Senator ANDREWS. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 650, Printer's No. 1011, just passed finally.

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

On the question,

Will the Senate agree to the motion?

Senator MANBECK. Mr. President, I object to the motion of Senate Bill No. 650 being reconsidered and I demand a roll call vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—49

Andrews,	Hankins,	Loeper,	Price,
Arlene,	Hess,	Lynch,	Reibman,

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

NAYS—0

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

And the question recurring,
Shall the bill pass finally?

Senator ANDREWS. Mr. President, I presume Senate Bill No. 650 is going to pass by virtually the same vote it did before. I would ask everyone to look at that bill just to see what we are doing, because if this passes the Senate, I am afraid next week or next month, it is going to be a law of the Commonwealth of Pennsylvania. I think it will pass the House and I am sure the Governor will sign this. I ask you, is this really what you want to have for all elected officials in Pennsylvania, township auditors, and school directors? We can go on and on. I think that we are creating a monster for ourselves, with which we are going to have to live with for a long time, and I would urge a "no" vote.

MOTION TO LAY BILL ON THE TABLE

Senator ROMANELLI. Mr. President, I move to table Senate Bill No. 650.

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

Senator MANBECK. Mr. President, I object to the motion to place Senate Bill No. 650 on the table. I request a roll call vote, Mr. President.

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

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

YEAS—13

Andrews,	Kelley,	Mellow,	Snyder,
Corman,	Kusse,	Romanelli,	Tilghman,
Fumo,	Lewis,	Ross,	Zemprelli,
Howard,			

NAYS—35

Bell,	Hankins,	Lynch,	Pecora,
Bodack,	Hess,	Manbeck,	Price,
Coppersmith,	Holl,	McKinney,	Reibman,
Dwyer,	Hopper,	Messinger,	Schaefer,
Early,	Jubelirer,	Moore,	Smith,
Gekas,	Kury,	Murray,	Stapleton,
Greenleaf,	Lincoln,	O'Connell,	Stauffer,
Gurzenda,	Lloyd,	O'Pake,	Stout,
Hager,	Loeper,	Orlando,	

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

And the question recurring,
Shall the bill pass finally?

Senator ROMANELLI. Mr. President, I just have to add one thing before you call this roll. In my estimation, this type of legislation, this bill, will stop a lot of very competent people from running for office.

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—37

Bell,	Hess,	Loeper,	Orlando,
Bodack,	Holl,	Lynch,	Pecora,
Coppersmith,	Hopper,	Manbeck,	Price,
Dwyer,	Jubelirer,	McKinney,	Reibman,
Early,	Kury,	Mellow,	Schaefer,
Fumo,	Kusse,	Messinger,	Smith,
Gekas,	Lewis,	Moore,	Stapleton,
Greenleaf,	Lincoln,	Murray,	Stout,
Gurzenda,	Lloyd,	O'Pake,	Zemprelli,
Hankins,			

NAYS—10

Andrews,	Howard,	Ross,	Stauffer,
Corman,	O'Connell,	Snyder,	Tilghman,
Hager,	Romanelli,		

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 846 (Pr. No. 1022) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1263 CALLED UP

HB 1263 (Pr. No. 1424) — Without objection, the bill, which previously went over in its order on final passage, was called up, from page 1 of the Third Consideration Calendar by Senator ZEMPRELLI.

**NONPREFERRED APPROPRIATION BILL
ON FINAL PASSAGE**

HB 1263 (Pr. No. 1424) — On the question,
Shall the bill pass finally?

Senator SMITH. Mr. President, I rise to defend this appropriation in House Bill No. 1263. I think if we had listened carefully to the lady from Northampton, Senator Reibman, she said, in effect, and it would be inconsistent with her position of being a Member of the Council of Arts to be against any form of the arts, if I remember properly, that she was not against the appropriation but the method in which it is being appropriated. Senator Reibman would rather have it through the Council of the Arts. Mr. President, this orchestra is conducted by Walter Hendl, who probably is one of the world renowned conductors. I think if Senator Reibman last fall was up in The Cove, just this side of Erie, where 5,000 people gathered to listen to this conductor, she would be the first on the floor to appreciate, as we here in Pennsylvania understand and appreciate, a Walter Hendl. He has played before at least 400,000 people in the past year. Can you imagine 400,000 being denied this man's talent for \$70,000? I think it is more a question of what the lady from Northampton, Senator Reibman, said, than to deny this world renowned conductor the right to be before the people, display his talent, so that we here in Pennsylvania again can appreciate it by simply appropriating \$70,000. A man that can draw people from Canada, from our own State and again I repeat, it is reported he played before 400,000 people and I urge you to approve this appropriation.

Senator ZEMPRELLI. Mr. President, I would only add one additional comment to those of the gentleman from Philadelphia, Senator Smith, and that is that in the wisdom of the House of Representatives, House Bill No. 1263 did pass by a vote of 155 to 42.

Senator REIBMAN. Mr. President, I think it has to be clearly understood that this Legislature in previous Sessions enacted a statute which set up a mechanism for distributing State money to artistic organizations throughout the State. There is no one who would be denied hearing the Erie Symphony Orchestra. They have received grants through the Council of the Arts, they can come up again and receive grants from the Council of the Arts if they meet all the requirements that the law requires for them to meet.

We have set up a review, an application review and an audit process in order for the State's money to be spent as

properly as we like to think it should be spent. The Arts Council has granted to Erie, several times, substantial amounts of money. Last year they wanted to expand their orchestra, so they came in and they asked the Council on the Arts staff if they could get assurances that their appropriations or grants would be increased to \$70,000. There was no way that the staff of the Council of the Arts could make that assurance, particularly since there has been no substantial increase in the appropriation to the Council on the Arts on the part of the Committee on Appropriations or the General Assembly.

If this General Assembly wishes to increase the appreciation of artistic endeavors in this State, then they ought to make the proper appropriation when it comes appropriation time instead of just giving the Arts Council a little less than \$2.5 million to distribute clear across this Commonwealth to sixty-seven counties.

We have been processing over 457 applications. If money is to be used for these purposes, it ought to be put on a good competitive basis for other orchestras, for other artistic endeavors so that all of the Commonwealth will be able to receive the benefit of what the Arts Council is trying to do.

Again I caution you that we will be losing money from the National Endowment of the Arts, money we can ill-afford to lose because of the small appropriation that we get from this General Assembly.

Mr. President, I urge a "no" vote on this and all the other bills in this category.

Senator BELL. Mr. President, I have heard this argument before. It occurred on behalf of Governor Shafer who did not like the idea that we pass on separate nonpreferred appropriations. His Attorney General gave him a decision that all we had to do was give all this money over to a department or a commission and let them dole it out.

Mr. President, what the lady from Northampton, Senator Reibman, is asking is that we do indirectly what we could not do directly because the General Appropriations bill, I do not think, passed this Session by a two-thirds vote.

Now follow this to another conclusion and I think this is logical. If we are to turn all the money that is within the jurisdiction of the Pennsylvania Council of the Arts over to them to distribute, why should we not turn over every dollar going to Penn State, Penn, Temple, Pitt, Lincoln and all these colleges to the Department of Education to have them distribute it as they see fit.

Senator ZEMPRELLI. Mr. President, I did not intend to get into this issue, but now that the issue has broken open, I seriously question the wisdom of an Arts Council at all. I know that on behalf of my own personal requests coming from the little city of Clairton; and after the city of McKeesport with its Little Theater in making requests year after year of the Arts Council for consideration in support of these worthwhile suburban efforts, all the money went to Pittsburgh. I would suspect that all the money would go to Philadelphia. I question the wisdom and the judgment of people that we give money to to delegate the responsibility of those functions which are legislative in nature.

It is not inconsistent to suggest that an Arts Council should

have its thing and we in the Legislature should recognize separately and independently the wisdom of certain other kinds of appropriations. That is what the Erie Philharmonic Orchestra falls into. That is the third largest city in the State of Pennsylvania, and I am sure this appropriation arises by virtue of the fact that the Arts Council has turned a deaf ear to the City of Erie. I would suspect that the same thing applies to the City of Pittsburgh in its American Wind Symphony who are actually and virtually ambassadors of this State in the work that they do up and down the Monongahela River. Why would we be coming in for a special appropriation for these efforts if, in fact, the Arts Council recognized the wisdom of their requests?

Simply giving the Arts Council additional money would only allow for a further erosion of the monies that would be going to other purposes if some Arts Council, a delegated authority, in its wisdom would elect to make those appropriations.

I see absolutely no inconsistency in these appropriations and allowing the Art Council to exist. It is not an either/or situation, it is not a black and white situation, it is a gray situation and I am sure the wisdom exists. I would ask for full support for House Bill No. 1263, House Bill No. 1264, House Bill No. 1265 and House Bill No. 1266.

Senator MELLOW. Mr. President, I would like to yield to the lady from Northampton, Senator Reibman.

Senator REIBMAN. Mr. President, for the edification of the Members of the General Assembly, let me just read what some of the requirements are for eligibility, for example. Nonprofit corporations providing arts programs and services in Pennsylvania may apply for grants. They must have a Federal identification number from the Internal Revenue Service.

Application procedure: Applications for grants must be made on proper forms as noted at the end of each program description. I might say that the three most commonly used forms are for project grants, for general operating grants and fellowships. Others, such as the busing form and Commonwealth poetry series form, may be obtained by contacting grants officers at the Council.

There is a review process. There are panels of experts in the field of dance, music, poetry, creative writing, media art, people who are recognized artists in these fields who review each application. They look at the performance, they hear the performance, they witness the performance, and then they make their recommendations to the Council. The Executive Committee also reviews the applications and together with the recommendations of the panels—these experts in all of these fields—they are then presented to the members of the Arts Council. Now, who is on the Arts Council. There are Members from the Senate, Members from the General Assembly, as well as citizens who have made an impact in the artistic endeavors of Pennsylvania.

Mr. President, I might say that the Council has not turned a deaf ear to the city of Erie, they have received applications, they received a grant this year for \$25,618 plus, of course, and they have this \$70,000 line item. If they did not have this \$70,000 line item, I am sure they might receive more money. They certainly would receive more money as would other applicants if there was more money to give out.

Senator ROMANELLI. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT pro tempore. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator ROMANELLI. Mr. President, apparently the lady has a printout of monies that were doled out by the Arts Council this year.

Senator REIBMAN. Mr. President, I do not have a complete list with me. I only got the information on these four bills. Every Member of the General Assembly has received information from the Arts Council detailing what you got in your county. Every one of us received them.

Senator ROMANELLI. This is not for my county, Mr. President. Maybe the lady from Northampton, Senator Reibman, can recollect from her memory the amount of money that the Arts Council doled out to the Gay Liberation Movement.

Senator REIBMAN. Mr. President, there was no money given out to a Gay Liberation Movement.

Senator ROMANELLI. Mr. President, it is my understanding there was money given from the Arts Council to the Gay Liberation Movement in Philadelphia.

Senator REIBMAN. There was not, Mr. President. There was money given to a Festival of Artistic Arts that was sponsored by the University of Pennsylvania; some of the artists, I guess, were homosexuals, but there was no money. Well, if you read Oscar Wilde, who certainly is a very well-known and classic writer, he happens to have been a gay, but I do not think that has anything to do with the situation at hand.

Senator ROMANELLI. Mr. President, I was informed, and I apologize if I am wrong, there was money handed out by the Arts Council to a Gay Liberation Movement in Philadelphia, and what I was going to do was to ask for some for Pittsburgh.

Senator REIBMAN. Mr. President, the gentleman from Allegheny, Senator Romanelli, was misinformed.

Mr. President, I would like to say what the criteria are. The decisions on the applications involved many qualitative factors. Not all of them, of course, have equal weight, because that is the way you do things. Some of the most important ones are six in number: Artistic quality of the project; service to the public including groups not ordinarily having access to the arts; ability of the applicant to carry out the project; financial need of the applicant; community support for the project including financial and other contributions and availability of comparable services in the same geographic area. I think the criteria are good, they are fair, there is no political involvement in it, the grants are given primarily on artistic quality.

Senator ZEMPRELLI. Mr. President, I would just like to comment on the fact that the 1978-79 appropriation to the Arts Council was \$2,425,000. This year the Arts Council appropriation has been increased in the 1979-80 appropriation to \$2,594,000 or an increase of \$171,000.

Senator MELLOW. Mr. President, not to continue to prolong the evening since it has been a rather lengthy evening, I have to rise in support of this piece of legislation in deference to my colleague, the lady from Northampton, Senator Reibman, knowing what her total commitment is to the Council of the Arts,

and having had various numbers of discussions with the lady from Northampton, Senator Reibman, with regard to several of their projects and with regard to the operation of the Arts Council itself.

I kind of feel a little bit like the gentleman from Erie, Senator Orlando, because the biggest complaints that I get from my people from the City of Scranton is the fact the Pennsylvania Council of the Arts here in Harrisburg pays absolutely little or no attention whatsoever to their needs and their desires, and they feel the only way that they can get the money that is necessary to run their Council of the Arts would be through a line item appropriation.

Mr. President, I have had an opportunity over the last year or so on at least one occasion, to attend, with the gentleman from Erie, Senator Orlando, at the Warner Theater, a performance by the Erie Philharmonic. I have got to be very honest with you, Mr. President, I was one of those 400,000 people that the gentleman from Philadelphia, Senator Smith, referred to, and I was totally impressed.

When you take in excess of four million tourists that visit the great northwest every year, with visiting Presque Isle and being able to be entertained with the Erie Philharmonic knowing that it is going to be there, knowing that the conductor of the Philharmonic is internationally known, I think this is a small bit of money that we can pay to guarantee the operation of an orchestra with a leader such as a renowned man that is the international leader of the Erie Philharmonic.

Mr. President, I would hope that my colleagues would favorably vote on House Bill No. 1263, so that we can continue to guarantee the people of the northwest this kind of entertainment.

Senator REIBMAN. Mr. President, I beg the indulgence of the Chair and the Members of the Senate for speaking as many times as I have, but there has been so much misinformation that has been promulgated here on the floor that I think it is incumbent upon me to set the record straight.

Mr. President, we had hearings, eight hearings, throughout Pennsylvania last year during this last Session to assess the needs of the Commonwealth of Pennsylvania, all of these communities, what they would expect from the Arts Council and what they need. We had a hearing in Scranton. I do not remember seeing my colleague at the public hearings. Nowhere at the public hearings did we get one word of criticism with respect to the grants that were given up in Lackawanna County or up in Scranton. As a matter of fact, for the 1978-79 grant year, Lackawanna County received a total of \$8,988. Educational community resources, \$500; Friends of the Scranton Public Library, \$1,000; Lackawanna Arts Council, \$888; another grant to the Lackawanna Arts Council for another project, \$800. Marywood College for four different grants received some substantial amounts of money as well as the Northeast Pennsylvania Folklore Society received two additional grants. So I might say that nowhere in the public hearings—and we heard from lots and lots of people across the Commonwealth in these public hearings—was there any criticism with respect to the way the grants were given out. What they did criticize was the fact that they were not receiving enough. They were not receiv-

ing enough money, they were not receiving enough technical assistance. The appropriation for the administration of the Arts Council was cut in this budget. That means that we cannot hire another technical assistant to go out to the communities to help them with their grant applications. So actually the fault lies right here in this Body.

Senator MELLOW. Mr. President, I would just like to thank the lady from Northampton, Senator Reibman, for pointing out so that I can refer to the Council of Arts in Lackawanna County the fact that out of the \$2.4 million appropriation, that we have received approximately \$10,000 in grants. I think perhaps next year I will join the gentleman from Erie, Senator Orlando, in having my own line item for the Council of the Arts for Lackawanna County. I appreciate her giving us that information.

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

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

Senator MELLOW. I will, Mr. President.

Senator HESS. Mr. President, not being one who is very astute in the matter of the arts, and certainly not one who would spend his time hearing this particular philharmonic or any other, the gentleman said he did attend one of these performances?

Senator MELLOW. Mr. President, that is correct.

Senator HESS. Mr. President, what was the admission cost?

Senator MELLOW. Mr. President, I do not believe there was any admission cost for the one I attended.

Senator HESS. Mr. President, then for approximately 50 cents admission, they could raise this amount of money.

Senator MELLOW. No, Mr. President, what they do, there are several concerts that are given during the course of the year that are free concerts. For most of their concerts, there is an annual fee that is paid; but there are also several free concerts during the course of the year, and I believe it was one of the free concerts that I did attend.

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—35

Arlene,	Gurzenda,	Manbeck,	Pecora,
Bell,	Hankins,	McKinney,	Romanelli,
Bodack,	Hopper,	Mellow,	Ross,
Coppersmith,	Kury,	Messinger,	Schaefer,
Corman,	Lewis,	Moore,	Smith,
Dwyer,	Lincoln,	Murray,	Stapleton,
Early,	Lloyd,	O'Connell,	Stout,
Fumo,	Loeper,	O'Pake,	Zemprelli,
Gekas,	Lynch,	Orlando,	

NAYS—14

Andrews,	Holl,	Kusse,	Snyder,
Greenleaf,	Howard,	Price,	Stauffer,
Hager,	Jubelirer,	Reibman,	Tilghman,
Hess,	Kelley,		

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

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

HB 1264 CALLED UP

HB 1264 (Pr. No. 1425) — Without objection, the bill, which previously went over in its order on final passage, was called up, from page 1 of the Third Consideration Calendar by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILL ON FINAL PASSAGE

HB 1264 (Pr. No. 1425) — 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—35

Arlene,	Gurzenda,	Manbeck,	Pecora,
Bell,	Hankins,	McKinney,	Romanelli,
Bodack,	Hopper,	Mellow,	Ross,
Coppersmith,	Kury,	Messinger,	Schaefer,
Corman,	Lewis,	Moore,	Smith,
Dwyer,	Lincoln,	Murray,	Stapleton,
Early,	Lloyd,	O'Connell,	Stout,
Fumo,	Loeper,	O'Pake,	Zemprelli,
Gekas,	Lynch,	Orlando,	

NAYS—14

Andrews,	Holl,	Kusse,	Snyder,
Greenleaf,	Howard,	Price,	Stauffer,
Hager,	Jubelirer,	Reibman,	Tilghman,
Hess,	Kelley,		

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

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

HB 1265 CALLED UP

HB 1265 (Pr. No. 1426) — Without objection, the bill, which previously went over in its order on final passage, was called up, from page 1 of the Third Consideration Calendar by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILL ON FINAL PASSAGE

HB 1265 (Pr. No. 1426) — 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—34

Arlene,	Hankins,	McKinney,	Pecora,
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Bell,	Hopper,	Mellow,	Romanelli,
Bodack,	Kury,	Messinger,	Ross,
Coppersmith,	Lewis,	Moore,	Schaefer,
Corman,	Lincoln,	Murray,	Smith,
Early,	Lloyd,	O'Connell,	Stapleton,
Fumo,	Loeper,	O'Pake,	Stout,
Gekas,	Lynch,	Orlando,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—15

Andrews,	Hess,	Kelley,	Snyder,
Dwyer,	Holl,	Kusse,	Stauffer,
Greenleaf,	Howard,	Price,	Tilghman,
Hager,	Jubelirer,	Reibman,	

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

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

HB 1266 CALLED UP

HB 1266 (Pr. No. 1427) — Without objection, the bill, which previously went over in its order on final passage, was called up, from page 2 of the Third Consideration Calendar by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILL ON FINAL PASSAGE

HB 1266 (Pr. No. 1427) — 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—34

Arlene,	Hankins,	McKinney,	Pecora,
Bell,	Hopper,	Mellow,	Romanelli,
Bodack,	Kury,	Messinger,	Ross,
Coppersmith,	Lewis,	Moore,	Schaefer,
Corman,	Lincoln,	Murray,	Smith,
Early,	Lloyd,	O'Connell,	Stapleton,
Fumo,	Loeper,	O'Pake,	Stout,
Gekas,	Lynch,	Orlando,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—15

Andrews,	Hess,	Kelley,	Snyder,
Dwyer,	Holl,	Kusse,	Stauffer,
Greenleaf,	Howard,	Price,	Tilghman,
Hager,	Jubelirer,	Reibman,	

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

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

HB 1267 CALLED UP

HB 1267 (Pr. No. 1607) — Without objection, the bill, which previously went over in its order temporarily on final passage,

was called up, from page 2 of the Third Consideration Calendar by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILL ON FINAL PASSAGE

HB 1267 (Pr. No. 1607) — On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1268 CALLED UP

HB 1268 (Pr. No. 1618) — 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.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1268 (Pr. No. 1618) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1269 CALLED UP

HB 1269 (Pr. No. 1619) — 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.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1269 (Pr. No. 1619) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1270 CALLED UP

HB 1270 (Pr. No. 1924) — 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.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

HB 1270 (Pr. No. 1924) — Considered the third time,

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

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

Amend Sec. 1, page 2, line 3 by striking out "100,000" and inserting: 175,000

On the question,

Will the Senate agree to the amendment?

Senator HANKINS. Mr. President, the appropriations for the Lincoln Eaglesville Masters' Program is to enable the university to continue to sponsor this unique opportunity for graduate education.

Participants in the masters' program work both in the academic world and in the institutions which provide human services.

Lincoln Eaglesville is one of the few programs in the nation which allow this close work between the classroom and the hospitals.

Because last year's appropriation was not passed, the programs need additional monetary support this year. This amount is \$75,000. The name of Lincoln is known by everyone in this particular Senate. This is a namesake, we have the gentleman from Fayette, Senator Lincoln, here and President Lincoln, and this was a great institution in the Commonwealth of Pennsylvania.

Mr. President, I ask both sides of the aisle to support this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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

The PRESIDENT pro tempore. House Bill No. 1270 will go over, as amended.

HB 1276 CALLED UP

HB 1276 (Pr. No. 1437) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1276 (Pr. No. 1437) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

June 15, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Stanley A. Miller, 4713 Galen Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve until superseded, vice James G. Krause, Lebanon, whose term expired.

DICK THORNBURGH.

DISTRICT JUSTICE

May 31, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Barbara Ann Clare, 203 Nolan Drive, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, for appointment as District Justice

in and for the County of Mifflin, Class 3, District 02, to serve until the first Monday of January, 1982, vice William A. Foster, Lewistown, resigned.

Re-submitted Correct Term

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FUMO,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATIONS TAKEN FROM THE TABLE

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

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AMENDED

HB 53 (Pr. No. 1620) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 4, by inserting a period after "Resources"

Amend Title, page 1, line 4, by striking out "and making an appropriation."

Amend Sec. 7, page 3, lines 20 through 25, by striking out all of said lines

Amend Sec. 8, page 3, line 26, by striking out "8" and inserting: 7

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 506 (Pr. No. 526) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER AND RECOMMITTED

SB 765 — 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 Law and Justice.

BILLS ON SECOND CONSIDERATION

SB 790 (Pr. No. 860), SB 820 (Pr. No. 905), HB 1207 (Pr. No. 1942) and HB 1259 (Pr. No. 1420) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator ZEMPRELLI offered the following resolution, which was read, considered and adopted:

In the Senate, July 10, 1979.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 17, 1979 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, September 17, 1979 unless sooner recalled by the Speaker of the House of Representatives.

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

UNFINISHED BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator ZEMPRELLI submitted the Report of Committee of Conference on SB 208, which was placed on the Calendar.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator ZEMPRELLI submitted the Report of Committee of Conference on HB 140, which was laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Taccone, Mr. and Mrs. Cleveland A. Hoover, Mr. and Mrs. Harold W. Turner, Mr. and Mrs. Dan Murphy, Mr. and Mrs. Henry W. Stahlgren, Mr. and Mrs. Andrew Gray, Mr. and Mrs. Frank Kupniewski and to Mr. and Mrs. Herbert Riede by Senator Orlando.

Congratulations of the Senate were extended to Sergeant James M. Carey by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Reimer by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd Duncan by Senator Greenleaf.

PETITIONS AND REMONSTRANCES

Senator KURY. Mr. President, earlier today on behalf of myself and the gentleman from Lackawanna, Senator Mellow, the gentleman from Centre, Senator Corman, and the gentleman from Montgomery, Senator Holl, I introduced legislation which would amend the Fish Code to encourage the installation of fishways in the dams in the lower Susquehanna so as to bring about the return of migratory fish.

Mr. President, I have prepared remarks, but because of the lateness of the hour, I will not burden the Senate by reading them. I would ask permission to insert into the record my prepared remarks in conjunction with that bill, together with an editorial from the Harrisburg Patriot of Tuesday, July 3, 1979 on the same subject and an article from the Patriot of July 1, 1979, by Bruce Whitman, on the same subject. I would ask to have those inserted in the record, Mr. President.

(The following prepared statement and articles from the Patriot and Patriot-News were made a part of the record at the request of the gentleman from Northumberland, Senator KURY:)

Mr. President, the people of the Susquehanna River Basin have been deprived of a great natural resource for nearly

seventy years. I speak of the migrations of shad and other migratory fish that had previously ascended the Susquehanna each year to spawn.

Beginning in 1910, a series of dams were constructed across the lower Susquehanna River and obstructed the path of these fish. These dams were erected for the purpose of making electrical power, but they were constructed without regard to their effect on the fish. In fact, they were built in defiance of posterity's rightful claim to a great natural resource.

The story of the dams on the lower Susquehanna and their blocking of migratory fish is a sad chapter from the history of Pennsylvania's natural resources.

Efforts to restore the shad and other migratory fish to the Susquehanna have, however, persisted now for almost three decades. The move was started by the Pennsylvania Federation of Sportsmen's Clubs in the 1950s under the aggressive leadership of the late Basse A. Beck of Sunbury. The Pennsylvania Fish Commission joined the fight, first under Al Day and Robert Bielo and now the dedicated efforts of Ralph Abele. Dr. Maurice Goddard has been a strong supporter of the project.

Mr. President, I believe the efforts to restore shad and other migratory fish to the Susquehanna are on the verge of paying off. I believe the day is rapidly coming when one of Pennsylvania's major natural resources will be restored to our great Susquehanna River.

My optimism is based on several factors:

First, reports clearly state that the Susquehanna is now suitable for shad, that shad eggs can hatch, larvae can develop now, and juveniles can survive and prosper in most of the Susquehanna.

Secondly, fish ladders—the essential assistance to surmount the dams—are practical. Fish ladders work in the Columbia, Connecticut and Schuylkill Rivers. In fact, the fishway at the Fairmount Park Dam on the Schuylkill near Philadelphia is quite successful. Twenty-one species of migratory fish, including the American shad, have passed over that dam.

Thirdly, The Philadelphia Electric Company, which owns the Conowingo Dam in Maryland (the first dam on the Susquehanna) has agreed to condition its relicensing by the Federal Energy Regulatory Commission upon construction of a fishway at a cost of \$5 million.

Mr. President, the time is at hand for us to bring events to their logical conclusion and require the installation of fish ladders in the dams on the Lower Susquehanna.

I am today introducing legislation for that purpose. The bill I am offering will amend Section 185 of the Fish Code by removing the \$25,000 maximum limitation on the cash payments made by the power companies "in lieu of" building fishways. This would require the power companies to pay two and one half percent of the cost of the fishways each year until the fishways are constructed.

The \$25,000 maximum amount now required for payment in lieu of building fishways is intolerably low. Cash payments made by utility companies are not an adequate replacement for the loss of these fish. To accept \$25,000 in exchange for blocking the migration of shad, striped bass, alewives, eels, and

other migratory fish which constitute a priceless natural resource is incompatible with the public interest. It is an intolerable, unconscionable bargain.

Now is the time to re-examine this matter in light of the fact that four hydroelectric dams on the lower Susquehanna River are now up for relicensing by the Federal Energy Regulatory Commission.

As a State Representative in 1970, I was the prime sponsor of legislation which set the current penalty to be paid in lieu of installing fishways at two and one half percent of installation or \$25,000 a year, whichever is less. Prior to enactment of this legislation, the maximum penalty was \$6,500 a year. As originally introduced by me in the House, the bill offered in 1969 was identical to the one offered today. That was House Bill 385 of the 1969 Session. The \$25,000 limit was inserted in the Senate and I accepted it as the best bill that could be passed at that time.

It has been nearly ten years that the utilities with dams on state rivers have been paying this increased compensation. However, this more substantial payment has not served as sufficient incentive for the installation of fishways. The people of the Susquehanna do not want the "in lieu of" payments—they want the fish!

The legislation which I am introducing today will significantly increase the incentive by setting it solely at two and one half percent per annum of the cost of installing fishways. This bill is designed to encourage the construction of fish ladders.

The people of the Susquehanna River basin have been patient, but their patience is not unlimited. They have a valid claim to the restoration of a great natural resource which is rightfully theirs—a right clearly stated in Article I, Section 27 of the Pennsylvania Constitution.

Fishways are practical. The river is suitable. The time is right to return migratory fish to the Susquehanna River.

Outdoors with Bruce Whitman
Sunday—Patriot News
Harrisburg, Pa.
July 1, 1979

FISH LADDER TO RETURN SHAD TO RIVER IN '80s

In the not too distant future a Pennsylvania angler will be able to fish the Susquehanna River north of the Mason-Dixon Line and stand a good chance of catching an American shad.

When this happens, it'll mark the end of nearly a century during which the Susquehanna, once the great spawning grounds of the shad, has been void of this popular game fish.

Dams at several locations on the lower Susquehanna have blocked the passage of anadromous fish since the early 1900s.

Now, after years of studies, proposals, more studies and still more proposals, it appears that the Conowingo Dam in Maryland is going to have a fish passage device in operation, possibly by the early 1980s.

The massive Conowingo power structure, owned and operated by Philadelphia Electric, is the first barrier across the Susquehanna, blocking upriver movement of shad and other

fish from the Chesapeake Bay.

Movements have been underway for years, dating back nearly to the time the first dam was constructed, to require fish passage devices of some sort. For years the crusade was led by the late Basse F. Beck of Sunbury.

In the early 1960s the drive really began to come together.

The State Fish Commission, with Al Day at the helm at the time, commissioned Milo C. Bell of the State of Washington and Harlan Holmes of Oregon, to study fish passage problems at Conowingo, Holtwood and Safe Harbor Dams on the Susquehanna.

Bell, an engineer and Holmes, a biologist with vast experience on fish passage device work in the Pacific Northwest.

Their findings showed that properly installed fish passage devices would move shad and other species over the dams.

The Bell and Holmes study became "the Bible" for much future work on the program and prompted more extensive studies by the Federal Government and the states of Pennsylvania, Maryland and New York. This report came out in 1968 and was the clincher although additional joint state and federal programs continue to this day.

By this time the battle was being fought by Robert Bielo, then head of the Fish Commission and now executive director of the Susquehanna River Basin Commission. Senator Franklin Kury of Sunbury was another who was vocal in calling for fish passage devices on Susquehanna Dams.

Dr. Maurice Goddard was another champion of the program while serving as head of the Dept. of Environmental Resources and continues to back restoration of shad runs in the Susquehanna today.

Pennsylvania's latest leader in the struggle has been Ralph Abele, executive director of the Fish Commission.

"It's a proven fact that fishways are feasible," said Abele. "When properly constructed and operated, fishways will successfully pass runs of shad and other anadromous fish up the Susquehanna."

The big breakthrough came last November when Philadelphia Electric, in a statement to the Federal Energy Regulatory Commission, said it would not object to a condition in relicensing that would require construction of a fishway at a cost up to \$5 million.

Conowingo is up for a new license from the federal government as are two of the other four dams on the lower Susquehanna. Since both the Fish Commission and the Susquehanna River Basin Commission have a say in granting new licenses, fishways become more of a fact and less fiction every day.

As background information on the subject, last spring a new fish passage device on Fairmont Park Dam in the Philadelphia section of the Schuylkill River was opened.

"The Fairmont fishway has been very successful," said Abele. "Since its opening 21 species of fish, including American shad, have been passed over the dam. Millions of eels about 1½ inches long went over the dam when the fishway was still under construction."

Pennsylvania currently receives \$25,000 a year from the three companies operating power dams on the Pennsylvania

portion of the Susquehanna. This payment is made in place of providing fishways and under old license requirements.

"We don't want cash payments as conditions for new licenses," said Abele. "We want our fish back."

If fishways were installed on all four lower Susquehanna dams, some 320 miles of the Susquehanna and another 96 miles of the Juniata River would be opened to runs of shad and other fish species.

Mid-state anglers, who would make annual spring treks to the Susquehanna below Conowingo Dam for shad, have found such trips nearly fruitless in recent years.

Many blamed the record flood of 1972 as the key factor in the shad decline.

Abele has a different view. "The population of American shad crashed in 1974 when four generating units were added to Conowingo," said Abele.

The additional generating units produced a slower flow and increased turbulence, both key factors in shad migrations.

Editorial
The Patriot
Tuesday, July 3, 1979
Harrisburg, Pa.

FISH LADDERS SPAWN OF A NEW DAY

Prior to 1904 when the first major dam was built across the Lower Susquehanna River and blocked the upstream advance of anadromous fish, the annual shad migration, which extended as far as Binghamton, N.Y., comprised an estimated two million adults.

It quite possibly was more than that, for historically the Susquehanna was the major east coast spawning ground for shad. Along with other anadromous species such as alewife, blueback herring and striped bass, and the sea-spawning eel, shad provided the basis for a major commercial fishing industry in the Susquehanna basin.

There are now four hydroelectric dams on the lower river which effectively block the upstream migration of these fish, but they all are, or soon will be, up for relicensing. This has provided an opportunity for a number of governmental agencies interested in reestablishing this lost fishery, among them the Pennsylvania Fish Commission, to petition for the installation of fish ladders and minimum river flows.

The first hurdle and likely to be the most decisive one, is Philadelphia Electric's Conowingo Dam, the first and the largest of the river obstructions. The utility has offered to spend up to \$5 million to construct fish ladders, though it isn't known if that sum will be sufficient, but has balked at agreeing to maintain a constant minimum flow of water over the dam. Each night it completely shuts off the flow of water to build up its reservoir, a tactic that might well be devastating to any attempt at reestablishing the spawning runs. A favorable ruling by the Federal Energy Regulatory Commission on these points, however, would pave the way for similar steps to provide fish passage at the three upstream dams at Holtwood, Safe Harbor and York Haven.

Experience on the West Coast, especially the Columbia River, and in New England on such heavily-developed and long fishless rivers as the Connecticut, have shown that anadromous fish and hydroelectric plants are compatible if the fish are given a chance. In anticipation of the day when the Susquehanna's link with the sea is reopened, the fish commission has released shad fingerlings upstream to provide the imprint for a future generation of Susquehanna shad. We hope that their return will not be long delayed.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JULY 11, 1979

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 183)	Senate Majority Caucus Room
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FRIDAY, JULY 13, 1979

10:00 A.M. Special Senate Committee on Medicaid Fraud (to consider fraud and abuse of Medicaid Program)	Phila. City Council Chambers, City Hall Philadelphia, PA
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WEDNESDAY, JULY 18, 1979

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing on Senate Bills No. 50, 705, 706 and 707)	Senate Majority Caucus Room
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THURSDAY, JULY 19, 1979

10:00 A.M. AGING AND YOUTH (Public Hearing on Senate Bill No. 526)	4th Floor, Council Chambers, Phila. City Hall, Market & Juniper Sts., Philadelphia
10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing on Senate Bills No. 50, 705, 706 and 707)	Senate Majority Caucus Room

FRIDAY, JULY 20, 1979

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing on Senate Bills No. 50, 705, 706 and 707)	Philadelphia, PA
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MONDAY, JULY 23, 1979

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

TUESDAY, JULY 24, 1979

9:30 A.M. AGRICULTURE AND Senate Majority
RURAL AFFAIRS (a Caucus Room
hearing on Senate Bill No.
277)

FRIDAY, JULY 27, 1979

10:30 A.M. URBAN AFFAIRS AND Gold Room,
HOUSING (Public Allegheny
Hearing on Senate Bills County
No. 50, 705, 706 and 707) Court House
Pittsburgh, PA

ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Wednesday, July 11, 1979, at 9:30 a.m. Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:55 p.m., Eastern Daylight Saving Time.