

Legislative Journal

TUESDAY, OCTOBER 23, 1979

Session of 1979

163rd of the General Assembly

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SENATE

TUESDAY, October 23, 1979.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, The Rabbi PAUL S. REIS, of Beth Shalom, Pittsburgh, Pennsylvania, offered the following prayer:

Elohayuu Vaylohay Auotaynu,
Our God, and God of our fathers,

Your prophet Isaiah taught us that "when all of our children shall be taught of the Lord, great shall be the peace of our children," and Your sages of blessed memory have explained this verse by saying that we should not read "children," banayikh, but rather "builders," bonayikh. When all of our builders shall be taught of the Lord, then great shall be the peace of our builders.

The concepts, builders and children, are interchangeable. Because each generation is a builder of its world. Peace, and all that that term encompasses, is dependent, not upon God alone, but also upon us His children, His builders, the leaders of every generation.

Peace entails that we comprehend God, that we understand that in eternity, past, present and future merge. That we are responsible not only to our contemporaries but also to our descendants. That there is an eternal nature to this world, and that our task of working for its improvement is not transitory but is by nature an eternal endeavor of which we as leaders are privileged to be a part.

Our relationship to God is defined in the same way as our relationship to our constituencies, with a B'rith, a covenant, which makes us responsible to more than just ourselves. We are B'nai B'rith, children of the covenant, and we are the builders of the covenant, Bonai B'rith. We are awed by our responsibilities.

Our God, grant us the strength to fulfill our responsibilities. Grant us the ability to determine what must be done. May we work together with You in such a way that Your blessing of freedom, brotherhood and peace will be made manifest in our world. Government is the means of justice as justice is the means of peace. Let everyone take heed how He buildeth thereupon and let us say, Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. 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.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR COPPERSMITH

Senator ZEMPRELLI. Mr. President, Senator CopperSmith is presently engaged in a legislative meeting and although he is in Harrisburg, he is not on the floor. I would request permission to vote him in his absence until he returns.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

COMMUNICATION FROM THE GOVERNOR APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

SB 181.

HOUSE MESSAGES HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1187**, which was referred to the Committee on Public Health and Welfare.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

REPORT FROM COMMITTEE

Senator GURZENDA, from the Committee on Aging and Youth, reported, as amended, **SB 478**.

BILLS INTRODUCED AND REFERRED

Senator GREENLEAF presented to the Chair SB 1044, entitled:

An Act amending the act of July 3, 1963 (P. L. 196, No. 117), entitled "Unit Property Act," providing for the continuation for persons age sixty-two and over of leases on residential units that are converted to condominiums.

Which was committed to the Committee on Urban Affairs and Housing.

He also presented to the Chair SB 1045, entitled:

An Act providing for the establishment and maintenance of an eligible State deferred compensation plan for Federal income tax purposes and for certain powers and duties of the Treasury Department.

Which was committed to the Committee on State Government.

Senator KURY presented to the Chair SB 1046, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," making certain acts unlawful with respect to property whether or not the actor is hunting or trapping and increasing the penalty.

Which was committed to the Committee on Environmental Resources.

Senators KURY, ROMANELLI, JUBELIRER and PECORA presented to the Chair SB 1047, entitled:

An Act requiring the Department of Transportation to make a feasibility study of certain Amtrak services; make a report to the General Assembly and making an appropriation.

Which was committed to the Committee on Transportation.

Senator ZEMPRELLI presented to the Chair SB 1048, entitled:

An Act amending the act of July 20, 1979 (No. 62), entitled "A supplement to the act of _____, entitled 'An act providing for the capital budget for the fiscal year 1979-1980,' itemizing public improvement projects to be acquired or constructed by the Department of General services together with their estimated financial cost; . . ." authorizing the acquisition of property in Turtle Creek Borough for the Saw Mill Run project.

Which was committed to the Committee on Appropriations.

Senators PRICE, LLOYD, LOEPER, GREENLEAF, BELL, LEWIS, HANKINS and STAUFFER presented to the Chair SB 1049, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for special provisions for certificates of convenience for taxicab service in cities of the first class.

Which was committed to the Committee on Consumer Affairs.

Senators REIBMAN, BODACK and O'PAKE presented to the Chair SB 1050, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, authorizing customers of certain public utilities to elect monthly or bimonthly billing.

Which was committed to the Committee on Consumer Affairs.

Senators HAGER and HOWARD presented to the Chair SB 1051, entitled:

An Act creating the Pennsylvania Horse Racing Commission; defining the jurisdiction of the commission; imposing powers and duties thereon; providing for and regulating harness racing and thoroughbred horse racing; providing for the establishment and operation of harness plants and thoroughbred horse racing plants subject to local option; imposing taxes on the revenues of such plants; disposing of all moneys received by the commission and all moneys collected from taxes; providing for the disposition of funds; and authorizing the imposition of penalties for violations.

Which was committed to the Committee on State Government.

Senators COPPERSMITH, SNYDER, O'PAKE, HAGER and ZEMPRELLI presented to the Chair SB 1052, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," prohibiting certain acts and providing civil and criminal penalties.

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

Senators SCHAEFER, EARLY, ROMANELLI, ZEMPRELLI, SCANLON and PECORA presented to the Chair SB 1053, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor to convey to the Township of Collier ten acres of land, more or less, situate in the Township of Collier, Allegheny County, Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

CALENDAR**REPORT OF COMMITTEE OF CONFERENCE****BILL OVER IN ORDER**

HB 177 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**BILL OVER IN ORDER**

SB 64 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 603 (Pr. No. 1081) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 603.

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

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

YEAS—50

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

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

SB 762 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 211 (Pr. No. 2328) — 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 GREENLEAF. Mr. President, I just have a few words on this. My opinion is, I feel that we should be voting this bill on separate issues. There are three areas that are dealt with, three branches of the government and I would feel that the appropriate way to do this would be to vote on it individually on each of those branches of government.

I had an amendment prepared, but I do not believe there is sufficient support to accomplish that end so I will not introduce it. I do not want to engage in a futile exercise. I just wanted to state that for the record.

And the question recurring,
Shall the bill pass finally?

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

Senator O'CONNELL. Mr. President, I would like to change my vote from "no" to "aye" and request permission to make a statement, if I may.

The PRESIDENT pro tempore. The Chair hears no objection.

Senator O'CONNELL. Mr. President, my "no" vote was in protest, really. I strongly support and endorse the pay raise. My concern is that it does not come fast enough. It is delayed until 1980 and many, many Legislators in this Body are suffering under the inflationary forces, they are finding it increasing-

ly more difficult to keep up and, really, that was a protest. But I want this Body and the press and all to know I strongly support it and would prefer it be effective at a much earlier date.

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

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

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

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

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

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

VERIFICATION OF THE ROLL

Senator KELLEY. Mr. President, I ask for a verification of the roll.

The PRESIDENT pro tempore. Request has been made to have the roll verified. The Clerk will proceed to call the names of those recorded as voting in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Andrews	Hankins	Loeper	Price
Arlene	Hess	Lynch	Romanelli
Bell	Holl	Manbeck	Ross
Coppersmith	Hopper	McKinney	Scanlon
Corman	Jubelirer	Mellow	Smith
Dwyer	Kury	Messinger	Snyder
Fumo	Kusse	Moore	Stauffer
Gekas	Lewis	Murray	Stout
Greenleaf	Lincoln	O'Connell	Tilghman
Hager	Lloyd	O'Pake	Zemprelli

The PRESIDENT pro tempore. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will now proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Bodack	Howard	Pecora	Schaefer
Early	Kelley	Reibman	Stapleton
Gurzenda	Orlando		

The PRESIDENT pro tempore. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

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

YEAS—40

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

NAYS—10

Bodack, Early, Gurzenda,	Howard, Kelley, Orlando,	Pecora, Reibman,	Schaefer, Stapleton,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

DEMOCRATIC CAUCUS

Senator ZEMPRELLI. Mr. President, at this time, I would request a recess of the Senate for the purpose of an immediate caucus to return to the floor at 1:30 p.m.

MEETING OF COMMITTEE ON
BUSINESS AND COMMERCE

Senator ZEMPRELLI. Mr. President, I would also indicate to the Members of the Committee on Business and Commerce that I have had a special request on behalf of the gentleman from Lehigh, Senator Messenger, to announce the convening of that subcommittee immediately in his office in room 353. That meeting will take no more than a minute or two on our way to our Democratic caucus at least.

MEETING OF COMMITTEE ON
EDUCATION

Senator REIBMAN. Mr. President, I would like to call, with the permission of the Chair, a recessed meeting of the Committee on Education to last just a few moments back here in the Rules Committee room, immediately.

Senator HAGER. Mr. President, I would like to let the lady from Northampton know that she does not need the permission of the Chair, she needs the permission of the Majority Leader and the Minority Leader and, of course, I could never deny her anything. She has my permission.

REPUBLICAN CAUCUS

Senator HAGER. Mr. President, may I ask that the Republicans come to their caucus room at 12:30 p.m. for a caucus. In the meantime, let us get some lunch.

MEETING OF COMMITTEE ON
TRANSPORTATION

Senator LYNCH. Mr. President, I would like to announce a meeting of the Committee on Transportation immediately after we recess here in the back of the office of the gentleman from Luzerne, Senator Murray.

RECESS

The PRESIDENT pro tempore. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SB 64 CALLED UP

SB 64 (Pr. No. 1119) — Without objection, the bill, which previously went over in its order, was called up, from page 1 of the Calendar under Bills on Concurrence in House Amendments, by Senator ZEMPRELLI.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 64 (Pr. No. 1119) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 64.

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

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

YEAS—50

Andrews, Arlene, Bell, Bodack, Coppersmith, Corman, Dwyer, Early, Fumo, Gekas, Greenleaf, Gurzenda, Hager,	Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lincoln, Lloyd, Loeper,	Lynch, Manback, McKinney, Mellow, Messenger, Moore, Murray, O'Connell, O'Pake, Orlando, Pecora, Price,	Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli,
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NAYS—0

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

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

SB 762 CALLED UP

SB 762 (Pr. No. 1223) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar under Bills on Concurrence in House Amendments, by Senator ZEMPRELLI.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 762 (Pr. No. 1223) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 762.

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

Senator SNYDER. Mr. President, Senate Bill No. 762 has been improved by the House in my opinion, although I continue to think we would be better advised not to put upon the coun-

ties the burden of setting their own salaries or raising them, or foreclosing them from decreasing them in some cases, but even if that element were not in this bill, I would still vote against it because the Jury Commissioners in the counties I represent receive the equivalent of \$1,000 a day, as a practical matter, as a result of the salary schedule in this bill.

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

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

YEAS—44

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

NAYS—5

Bell,	Loeper,	Schaefer,	Snyder,
Early,			

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

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

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1275 (Pr. No. 2266) — 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,	Lynch,	Reihman,
Arlene,	Hess,	Manheck,	Romanelli,
Bell,	Holl,	McKinney,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Juhelirer,	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,

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 with amendments in which concurrence of the House is requested.

RECESS

Senator ZEMPRELLI. Mr. President, I am requesting the indulgence of the Chair for the purpose of asking for a momentary recess so that we may convene a recessed meeting of the Committee on Rules and Executive Nominations to consider certain resolutions as well as executive nominations. I would suggest to the Chair that the meeting would be momentary and should not consume as much time in the meeting as it would the time to go and come back from the meeting room.

The PRESIDENT pro tempore. The Senate will stand in recess for ten minutes.

AFTER RECESS

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

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

BILL REREFERRED

SB 52 (Pr. No. 52) — Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 52 be rereferred to the Committee on Appropriations.

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

Senator STAUFFER. Mr. President, I rise to object to the motion to rerefer Senate Bill No. 52. I request a roll call vote on the motion and I would ask the Members to oppose the motion to rerefer the bill. This is an important issue which had full consideration by the Committee on Constitutional Changes and Federal Relations. It is a clear issue that does not need a lot of study or reconsideration. It is one the Members should face up to and, in my judgment, an issue we should vote up or down. On that basis, I would ask that we vote "no" on the motion to rerefer.

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

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

YEAS—26

Arlene,	Kelley,	Messinger,	Ross,
Bodack,	Kury,	Murray,	Scanlon,

Coppersmith, Early, Fumo, Gurzenda, Hankins,	Lewis, Lloyd, Lynch, McKinney, Mellow,	O'Pake, Orlando, Reibman, Romanelli,	Smith, Stapleton, Stout, Zemprelli,
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NAYS—23

Andrews, Bell, Corman, Dwyer, Gekas, Greenleaf,	Hager, Hess, Holl, Hopper, Howard, Jubelirer,	Kusse, Loeper, Manbeck, Moore, O'Connell, Pecora,	Price, Schaefer, Snyder, Stauffer, Tilghman,
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A majority of all the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. Senate Bill No. 52 is rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 87, HB 118 and SB 144 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 147 (Pr. No. 2264) — 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 COPPERSMITH. Mr. President, House Bill No. 147 does a number of things, but one of the things it does is mandate that any layoffs of teachers must be done in accordance with seniority. For example, under the new Federal rules, a person cannot be forced to retire until age seventy. If a teacher were sixty-eight, entitled to a full pension and full Social Security, but did not decide to retire and the school district had to have a layoff of one teacher, the sixty-eight year old teacher, by State statute, would be mandated to continue in the position and a younger teacher, who perhaps had greater responsibilities, would be laid off.

Right now seniority is a question of contract. If the local bargaining unit desires to have seniority strongly enough, it can be negotiated into the contract as it is done with other bargaining units. By this bill, we would be mandating that despite the wishes of the local bargaining unit, the teachers' bargaining unit and the school board, the State would be saying that all layoffs must be done in accordance with seniority. At the same time that we have this desire to pass a bill mandating seniority by State statute, we are told that we should be favoring early retirement for teachers at age fifty-five at full pension because of what is called teacher burn-out; that with the stresses and strains of teaching in many areas, certain teachers should be allowed to retire early.

I, myself, see a philosophical contradiction on the one hand between urging us to liberalize our pension laws to encourage or allow teachers to retire at full pension at an earlier age, and at the same time saying that teachers who cannot be forced to

retire until age seventy, that want to stay on by their own choice, the State is guaranteeing they cannot be laid off because seniority must be the method by which teachers are laid off in the event they are not needed.

The reason given for mandating seniority by law is that the bargaining associations have been unable to get seniority written into the contracts.

Well, the reason for that is, teachers are protected by tenure. I think rank and file teachers do not want to strike on an issue where, if they are not subject to dismissal for cause, they cannot be laid off except if the school district does not need the full complement of teachers. Therefore, because it is not a bread and butter issue, as it is in other industries and other places of employment, they have not been able to obtain seniority in the contracts, and now they are turning to the Legislature to mandate seniority.

I was one of those who worked strongest for Act 195. At that time, I can recall the argument was made, "give us the right to strike, give us the right to bargain, and we will not ask the State to interfere in the bargaining process. We will take care of that ourselves."

Again, I think there is a contradiction here. When one item is considered important by the teachers, seniority, they turn to the State to mandate that item instead of allowing it to be bargained as was indicated when Act 195 passed.

It is for these reasons, the fact that I think the drive for early retirement because of so-called teacher burn-out certainly is contradictory to this bill mandating seniority and it prohibits the teachers, bargaining organization to agree with the school board to allow teachers who can retire on full pension and full Social Security to be laid off before younger teachers who have no such benefits and no such protection.

To me this is wrong, I think the bargaining unit and the school board should be allowed to come up with a different resolution. I also think it is contrary to the philosophy and the intent of Act 195. I think it is an intrusion by the State into the bargaining process. It is neither warranted nor desirable. I think it will be contrary to the best interests of the school systems by choking off the availability of younger teachers entering into employment in the school systems. I think it is bad for the teacher organization when it prevents young teachers from entering that organization and offering new ideas and fresh blood as the policies of the PSEA. I think it benefits no one. I cannot understand the reason for this push. The existing system I do not think has worked unfairly in view of tenure protections and if the bargaining unit really desires seniority, they can get it in their contract and it does not have to be mandated by State statute.

Senator BELL. Mr. President, layoff by seniority is one of the cornerstones of organized labor. I talked with officers, members of the great industrial and trade unions, and layoff by seniority, in their eyes, is the only way the leaders of organized labor and industry can be protected against persecution by the employer, because if layoff by seniority is not enforced, in the first layoff, industry would knock off all the union officials.

Whether the teachers like it or not, the PSEA is a union. What the PSEA is seeking in here is the same protection that is

one of the basic freedoms of people in the union movement.

Senator LLOYD. Mr. President, as the gentleman from Cambria, Senator Coppersmith, indicated, there are several facets to this bill, one of which concerns hazardous routes. Under current law, if students live less than 1.5 miles from school, they must live along a hazardous route in order to be provided with busing assistance to school.

Involved in the regulations here is a provision which states that any route which has sidewalks is not to be considered hazardous. What we have found is that this would be to say that, for example, on Roosevelt Boulevard, which is also known as Route 1, an eight lane highway, just because it has a three-foot sidewalk on each side, it would not be considered a hazardous route. Part of House Bill No. 147 corrects this problem. Therefore, I urge its passage.

Senator KURY. Mr. President, I should be very brief, but I did want to associate myself with the remarks of the gentleman from Cambria, Senator Coppersmith, on House Bill No. 147.

The bill has a multitude of provisions in it. Some of them I favor, such as the one on equalizing the occupation tax levy in those districts where the school districts are in more than one county. But that is over-shadowed, in my opinion, by what this bill does to the collective bargaining process here in Pennsylvania. Like the gentleman from Cambria, Senator Coppersmith, I voted for Act 195 in the belief that we should have a fair collective bargaining process between teachers and other public employees and their employers. I think that system has worked generally well. But I am very disturbed that the different groups that are collectively bargained, feel they can come to the Legislature, get us to pass, by legislative fiat, what they cannot gain at the bargaining table. I think that is unfair and I think it is just an unfortunate turn of events in our system as we find that happening. I think the remarks of the gentleman from Cambria, Senator Coppersmith, about the effect of that on our school districts are correct.

Therefore, I am going to urge a "no" vote on this bill.

And the question recurring,
Shall the bill pass finally?

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

YEAS—41

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

NAYS—9

Coppersmith,	Kury,	Schaefer,	Stauffer,
Early,	Manbeck,	Snyder,	Tilghman,
Hess,			

A constitutional majority of all the Senators having voted

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

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

The PRESIDENT (Lieutenant Governor William W. Scranton) in the Chair.

SB 261 (Pr. No. 263) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 321 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 440 (Pr. No. 1144) — 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 EARLY. Mr. President, I rise to speak in favor of Senate Bill No. 440. In doing so, in fairness to my colleagues, I have to say there are some who, living in certain districts, certainly should not vote for this legislation. I refer to the gentleman from Lebanon, Senator Manbeck, who made an excellent point when we discussed the amendments last week that indicated in the gentleman's district he would find that in representing larger numbers of people, his district would be extremely large and be very difficult for his constituents to reach him in their time of need.

However, Mr. President, there is legislation introduced consistently that is good for certain districts and certainly bad for others. I have to say this particular piece of legislation is probably a classic example of working very efficiently, working much better for areas that have dense populations.

I am referring, Mr. President, to the county in which I live, of which we do have approximately twenty-nine House Members and seven Senators. This county, Mr. President, has, as all counties do, three county commissioners. It is extremely difficult to justify why we need twenty-nine House Members, seven Senators and three county commissioners.

In fairness, Mr. President, to the other side, there are individuals who represent as many as four counties which will consist of twelve county commissioners and one Senator.

Unfortunately, Mr. President, I have experienced in my area, which I am sure every Member in here experiences, that you do not come in contact with the 250,000 people that you are currently representing. If we all provided service for every constituent, which would be 250,000 for us, we would find our job would be impossible. We would not be able to do it. Only a small percentage of those whom we represent ever contact us either by letter, by phone or in person.

I am convinced, Mr. President, by reducing the number of House Members and Senators and increasing the number of people we will be representing, we could handle it. Other states do, Mr. President, and I am sure we could. I refer, Mr. President, to various publications that have been printed not by individuals who will be voting on this legislation, but dealing with the State as a whole.

I start off, Mr. President, by reading from a book called "State Legislatures, an Evaluation of their Effectiveness." To put credence to this, Mr. President, the book was printed by the Citizens Conference on State Legislatures which is a nonpartisan, nonprofit organization formed in 1965 by leaders from business, education, labor, agriculture and government. It is a part of a wider national effort to improve the effectiveness of State government.

Mr. President, throughout this particular publication it takes on and writes about every State Legislature within the United States. The particular paragraph dealing with Pennsylvania, Mr. President, specifically states that in 1968 we did have a Constitutional Convention. It indicates there were many proposals that were discussed in the Constitutional Convention. It indicates, Mr. President, that we did many good things in the Constitutional Convention. It mentions also, Mr. President, that in the Constitutional Convention, the size of the Legislature was discussed at length. It indicates, Mr. President, unfortunately, the Constitutional Convention did not, after discussing it at length, pass on it.

It also indicates, Mr. President, in 1968, the General Assembly created a Commission for Legislative Modernization in which a number of distinguished Pennsylvanians served under the co-chairmanship of author James A. Michener, and the President of A. W. Mellon Education and Charitable Trust, Theodore L. Hazlett, Jr.

The report of the commission was called "Toward Tomorrow's Legislature." In this particular commission, Mr. Presi-

dent, it also came to the conclusion that the Pennsylvania General Assembly, House and Senate, is certainly too large. It indicates that one recommendation is to reduce the overall size of the Legislature. It goes on to say various States have done it. It also indicates that it is very difficult to do. It points out for Pennsylvania to do this, Mr. President, it must change the Constitution.

I can refer to many, many publications. Mr. President, one I have here is "Modernizing State Government." This was put out by the Committee for Economic Development. Throughout this publication, Mr. President, it states that Legislatures should never have more than 150 members. They indicate if it is a small State in population, then they should have considerably fewer than 150 members. They indicate, Mr. President, when you get more than 150 members, it is extremely unwieldy.

I could recite you article after article, referring to the present Pennsylvania Legislature, and they are anything but kind. They say it is extremely unwieldy and is certainly difficult to get legislation passed.

I refer, Mr. President, to a problem that we currently have in the Senate. Many times when we discuss legislation dealing with the reduction of the House and the Senate, we are prone to pick on the House and the fact that they do have 203 Members and we are prone to criticize them in saying they do not get anything accomplished.

In fairness, Mr. President, I would like to criticize the Senate of Pennsylvania as well as the House. I refer to a problem we currently have and that is the PUC. It is no secret to you, to me and the people of Pennsylvania that the Public Utility Commission is not up to full strength. This, Mr. President, is creating a problem to the people of Pennsylvania which will only get worse.

I did some research on this, Mr. President, and I discovered that under the previous Administration of Governor Shapp, he, too, had the problem of getting people confirmed. He sent over a total of ten names and for one reason or another, Mr. President, only four got confirmed. Six were rejected. That to me means he was batting 400. He got forty per cent.

At the present time, Mr. President, we have had from Governor Thornburgh three names. Two were returned or defeated and one is pending. I think, Mr. President, the size of the Senate is part of the difficulty. As long as we continue with the fifty Members, I think, it is going to be extremely difficult for the present Governor, as it has been for the past Governor, as it will be for future Governors, to get accomplished what should be accomplished.

Mr. President, I ask the Members of the Senate to put aside personal preferences. I ask them to vote on this legislation, what I consider is good for all the people of Pennsylvania, and which, Mr. President, I cite article after article and I certainly did not bore you, as I could have, with the unkind remarks that has been said by individuals who are not personally involved with this but who are experts in fields of legislation.

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

The PRESIDENT. Will the gentleman from Allegheny.

Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator McKINNEY. Mr. President, can the gentleman from Allegheny, Senator Early, tell us approximately how many persons each Senator represents today in Pennsylvania?

Senator EARLY. Mr. President, at the offset of the reapportionment, we all represent 250,000, and that must be within three per cent, it cannot vary by more than three per cent. Since this is at the end of the ten year reapportionment period, it would be impossible for me to answer the gentleman's question specifically because the idea behind reapportionment is every ten years to even up the districts, because as populations change, some districts would have more than others. The only way I can answer the question of the gentleman from Philadelphia, Senator McKinney, is to say we all started with 250,000 and by the time the gentleman and I are re-elected, we again will have an equal amount which will be approximately 250,000.

Senator McKINNEY. Mr. President, I ask the gentleman if we are not in reapportionment as yet, so how can the gentleman base his legislation on what is going to happen? We are not in reapportionment yet. That will not come until next year.

Senator EARLY. I am afraid the gentleman is going to have to explain his question, Mr. President.

Senator McKINNEY. We do not go into reapportionment until next year. The legislation of the gentleman is based upon something that is happening currently, this year. I just cannot comprehend his rationale.

Furthermore, Mr. President, I would like to ask the gentleman approximately how many persons the House Members represent?

Senator EARLY. Mr. President, again I will have to indicate to the gentleman that when the reapportionment was enacted approximately eight years ago, each Member at the time represented 59,000. That will vary greatly at this point in time.

Senator McKINNEY. One final question, Mr. President. Can the gentleman tell me approximately how many persons each House Member in the U.S. House of Representatives represents today?

Senator EARLY. Mr. President, in the U.S. House of Representatives? Again I have to tell the gentleman that at the last reapportionment everyone had the same, which was approximately 500,000.

Senator McKINNEY. According to Senate Bill No. 440, Mr. President, if the Members of the Senate are reduced to the number that is requested in the legislation, then how many persons would each Senator represent at that time?

Senator EARLY. Approximately, again, Mr. President, I am reducing it about sixty per cent, so you would add sixty per cent to your particular constituency.

Senator McKINNEY. Mr. President, as mathematical as the gentleman is, what does that mean in numbers?

Senator EARLY. About 300,000, Mr. President.

Senator McKINNEY. Mr. President, as I see it now, each Senator is overburdened now trying to represent his constituents. I think the number should be increased instead of reduced.

Senator GEKAS. Mr. President, the remarks of the gentleman from Allegheny, Senator Early, has presented a contrast, as he wanted to present it, between the function of the county commissioners and those of the Legislature. This is a classic example of mixing apples and oranges.

The commissioners are executives, they are chief executors of a county. On the other hand, Legislators are representatives of the people in the Legislative Body known as the General Assembly, totally contrasting functions.

It is proper to have three commissioners in one county and only one Legislator. It is just as proper to have three commissioners in a populous county and to have seventeen Legislators because the functions are totally different. The fact that three commissioners can run a county does not of itself say that the people in it are best represented by a fewer number of representatives in Harrisburg or in Washington in the legislative portion of this balanced government.

The other point I wish to make is that the gentleman from Allegheny, Senator Early, made a great deal of pointing out many citizens groups, and the gentleman quoted some tracts written by some citizens groups and other proposals. That is exactly what the Constitutional Convention was. It was a formalization of a citizens group known as the delegates from our own areas, citizens who came to Harrisburg for the specific purpose of dealing with this issue as well as others.

Their final conclusion, based on tremendous deliberation, was that we cannot further dilute the proportion of representation that we have one man, one vote, one man in the House of Representatives for about 58,000 people. Any other action would be to draw away the Legislator from the neighborhood and make it an impossible realization of what the forefathers wanted. They wanted the House of Representatives to be right in the neighborhood as close to the people as possible. I ask for a confirmation of the Constitutional Convention by a collective commission of "legicide." Let us kill this bill.

Senator FUMO. Mr. President, I also oppose Senate Bill No. 440 for a number of reasons. I think we have to recognize in the General Assembly that we serve two functions. One is to make the laws of this Commonwealth and the second function, depending on your district, although I do not think there is much difference in this area, is to service your constituents. I think the size of the General Assembly right now is not too large. I know that I have approximately a quarter of a million people in my district as the gentleman from Allegheny, Senator Early, indicated, and I cannot service them all properly even with staff. When I look at House Members who are equally overburdened, I see the problem. We also have a problem with geographical size. I live in the City of Philadelphia. I can get from one end of my district with traffic and everything else in about forty minutes. But there are Senators in here, as I understand it, one end of their district to the other runs approximately ninety to a hundred miles and it may take them hours to get from one end of their district to the other.

I think we also should be mindful of the fact what many national surveys have shown with regard to Members of Congress; and they have not done it in State Legislatures because they have not polled that way, but people today want their

Congressman home more often so they can see them and get services from them. They do not want them spending time away from home.

I think in a time when we should have smaller numbers of people being represented by Members of the General Assembly, we are trying to go in the opposite direction for whatever reason.

I think when you have a smaller group of people to represent, they are more in touch with their Legislator. You then have a chance to get their views a lot easier. They also have a chance to get back at you a lot easier and vote you out of office if you are not doing a good job. I think when you expand this thing, you hurt that.

Another area which I have not yet heard addressed today in this Chamber, and I think we should, is the fact of minority representation. I think if you cut the size of the House and Senate to the numbers you are talking about here you are going to hurt minority representation in the General Assembly. I do not think that is something we want in today's day and age.

As I speak today, I do not believe there is one Spanish-speaking Member in the House of Representatives or the Senate. Certainly there is an emerging minority. If we were to cut the size of the General Assembly, we would be hurt even further. We need divergent points of view in the General Assembly. To cut the size is only going to retard that. I think, finally, it is unconscionable for us to ask that there only be a twenty per cent reduction in the size of the Senate and yet a forty per cent reduction in the size of the General Assembly in the House. If we are going to do it, we should do it uniformly and let us all do it together. This again seems to play into the rule that we have around here where we try and write laws that do not really affect us but other people. I think we ought to start looking at that.

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

Senator KUSSE. Mr. President, I, too, have to oppose this legislation. I appreciate that the gentleman from Allegheny, Senator Early, indicated sympathy for those Senators who have as many as four counties and thus have to deal with twelve county commissioners. I am entitled to double sympathy because I have eight counties and have to deal with twenty-four county commissioners. I also happen to have forty boroughs and cities in my district and 107 second class townships.

To bore you a little further with statistics, the gentleman from Philadelphia, Senator Fumo, mentioned some Senators have to travel 100 miles across their district. My district happens to be just under 300 miles from one end to the other, containing a little over 5,000 square miles. So my district being larger than the States of Delaware and Rhode Island together, you can see that it is indeed a problem to adequately represent the 250,000 people.

Now we come to the problem that if we decrease the numbers of Senators and increase the number of constituents, we will have a monetary problem here. We are not going to save money for the taxpayers, but, rather, I am afraid, we are going to increase the cost because, you see, we do function both as lawmakers and as ombudsmen and we work with constituent problems. In order to adequately handle those problems, we would

all have to increase the size of our staff. Now here comes the monetary problem. I doubt that we are going to be able to hire real adequate staff people and pay them less money than we are making, I just do not think we are going to get good people to work for \$18,700 a year. So there is a problem.

Then, too, as our districts reach the size of Congressional Districts, I suppose there will be Senators who will think we ought to get paid the same as a Congressman, and as you know, that is \$61,000 a year, so we are not saving our taxpayers money there. We might even want staffs roughly the size of a Congressman. They are allowed to have eighteen people on their staffs. You can see we really would increase the costs to the people in Pennsylvania if we were to follow through on the bill of the gentleman from Allegheny, Senator Early.

Mr. President, I have to urge defeat of the legislation.

Senator BELL. Mr. President, the gentleman from Allegheny, Senator Early, knows why the Constitutional Convention did not cut the size of the Legislature. Because despite the statement of the gentleman from Dauphin, Senator Gekas, they were all statesmen. There was a clear mandate reached at Con-Con that said if you mess around with the size of the Legislature, you are never going to have a new Constitution adopted. I was here. I heard that message.

But like the gentleman, I put in Senate Bill No. 34 to reduce the size of the Legislature to forty Senators and 120 House Members because I served here in other days and now today we have staff people, we have facilities, the State gives us telephones—we did not used to get those things.

I saw in one of his newsletters where the gentleman from Dauphin, Senator Gekas, has serviced something like 2,000 legislative complaints. When I first came up here, every constituent came to you to have you run over to the License Tag Bureau and get their license tags for them. Now we have staff to do that. I concur with the gentleman from Allegheny, Senator Early, we should cut the size of the Senate, but we should cut the size of the House to 120 Members instead of 121 because in my district I do not know what House Members are in my district and what are not. They overlap.

I go to one of them and say, "Hey, this concerns my district."

He says, "Well, I am representing the other part of your district."

In my county with its roughly 600,000 people, we have two people from Delaware County in the Senate of Pennsylvania, one from Philadelphia County, one from Chester County and one from Montgomery County representing part of our county. When it comes to Delaware County matters, I think it would be better if there were two Senators, each representing 300,000 people like your proposal is, and it fits very nicely into our district.

Today we voted ourselves a pay increase. I think as far as my area is concerned, there is also a mandate from my neighbors that we cut the size of the Senate and the House, beef them up with adequate staffs, stop this business of House Members having to run errands like over to this bureau or that bureau when a staff person could do it and let our House Members be given home district staffs. I think we could be a far more effective Legislature.

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

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

Senator EARLY. I will, Mr. President.

Senator LLOYD. Mr. President, in trying to ascertain why I was so much against this legislation and why the gentleman from Allegheny, Senator Early, was so much for it, I have come to realize that we possibly have a different perception as to what the function of the General Assembly is. In view of that, I would like to ask the gentleman from Allegheny, Senator Early, what he views as his function as a Pennsylvania State Senator.

Senator EARLY. Mr. President, I often try to avoid the personal in my remarks because I think it comes out as bragging which is very boring to everyone who listens. Since the gentleman has asked me that particular question, then I apologize to the Members here in the answer, but basically, I am answering the question that was specifically asked me. I personally believe that a Member who is elected to whatever office his job mandates is to represent the people who, in turn, sent him here.

I think the utopia would be to have 11 million people come to Harrisburg and vote on legislation. Unfortunately, Mr. President, that would be impossible. So, then I look at the next best way and that is for individuals in various districts to send a representative, and I think that is representative-type government as we have seen.

I look at my job as the representative of 250,000 people to come to Harrisburg to vote the way I believe they want me to vote. I believe further, Mr. President, and again I hate to be bragging, but to answer the question, I guess I have to do this, as Senators, we should be involved and seek out the wishes and the feelings of the 250,000 people that we specifically are representing.

To do this, I find it to be extremely difficult. My means of achieving what the gentleman has asked me has been this:

Every Friday, I am in a high school, one of thirteen high schools in my district, talking with the students. I stay there all day with the social studies classes eliciting information from these students so I can come to Harrisburg and vote for what I think is best for them.

I stand in the center of my district every Friday night as what is known as the Northway Mall. It is the center of my district. One card table, two chairs and a little sign that says Senator Early, where I tell my constituents to come on Friday nights so you can tell me your problems, so that I can do the necessary job that the gentleman from Dauphin, Senator Gekas, has indicated, the gentleman from Philadelphia, Senator McKinney, has indicated, and I believe it is what the gentleman from Philadelphia, Senator Lloyd, is getting at. I elicit this from these individuals so I, too, can do the chores that have to be done.

So my job, Mr. President, in answering the question is to one, provide all the services and, two, get as much information as I can from these individuals and I have to solicit that. Unfortunately they do not always come to us to get that information so I can be a better Senator.

Senator LLOYD. Mr. President, the gentleman from Allegheny, Senator Early, has indicated that he feels that it is appropriate to do all of those items, and I agree with the gentleman.

In addition, I assume the gentleman feels it is appropriate to write legislation?

Senator EARLY. I believe that is what we are working on right now, Mr. President.

Senator LLOYD. Mr. President, and I assume the gentleman feels it is appropriate to expedite State services?

Senator EARLY. To the utmost, Mr. President.

Senator LLOYD. Mr. President, and to communicate what State government is doing?

Senator EARLY. Mr. President, I believe my actions are ones that equal—and I will not put myself ahead of everyone—many of my colleagues.

Senator LLOYD. Mr. President, in addition to communicate why State Government is doing those things?

Senator EARLY. I think I summed that up, Mr. President.

Senator LLOYD. Mr. President, and, as the gentleman had indicated earlier, to receive input from the people and to identify their problems?

Senator EARLY. To further emphasize what the gentleman is asking, Mr. President, I had a radio program which was a talk show that aired every Saturday morning on which people would call up and say, "Senator, why did you do this, why did you do that," after explaining the Calendar to them. So, I just cannot emphasize what I have attempted to do to prepare myself to do the job that you are basically asking me.

Senator LLOYD. Mr. President, my concern is that in the opening remarks of the gentleman from Allegheny, Senator Early, the gentleman indicated that even though we represent approximately a quarter of a million people now and would be representing somewhat over 300,000 in this arrangement, that we can handle that because only a very small percentage of those people contact us. Also in those opening remarks, the gentleman from Allegheny, Senator Early, indicated that in densely populated areas, this type of legislation is especially good. A couple of things occur to me regarding that. One is that we should never find ourselves in a situation where we are sitting back and waiting for our constituents to contact us and certainly the gentleman from Allegheny, Senator Early, has indicated that he does not wait for that to happen.

With regard to his comments on heavily populated districts, I grew up in Mayfair and on 4300 Chippendale Street on one block, there were 108 children under the age of twelve when I was in that age group. It was not a particularly affluent neighborhood and it was not one that the people necessarily wanted anything in terms of financial remuneration from Government. However, I can state I will always remember never once did a State Senator or a Congressman or a State Representative come down 4300 Chippendale Street and indicate that those people with those 108 kids will never walk alone. I think this is the opportunity we have with a relatively large General Assembly to reach out into the communities and indicate on a personal level that we are willing to help these people.

The gentleman from York, Senator Hess, stated last week,

and correctly so, that a Congressman represents almost a half million people and there is absolutely no way for him to maintain personal communication with those in his district. The best most people can hope for is a form letter drafted by a staff person to a very personal concern.

I think we should take this opportunity with our relatively large General Assembly to utilize it in reaching the people.

Senator DWYER. Mr. President, I just would like to make a couple of comments that I think supplement those made by the gentleman from Philadelphia, Senator McKinney. The gentleman referred to the possibility of increasing the size of the Legislature. I would like to point out that the size of this Legislature was basically established in 1874, with the 1874 Constitution. It was based on the 1870 census. Ever since 1874 I believe the size of the Senate has remained constant at fifty. The size of the House has varied somewhere between, I believe, 200 and 211 members and, of course, it is at 203 now.

Mr. President, the population of Pennsylvania in 1870, when the current size of this Legislature was established, was 3,521,000 people, meaning, at that particular time, each State Senator represented approximately 70,000 people and each House Member approximately 17,000 people. This means if we were to keep in touch with our constituents on a personal basis as did our predecessors, this Legislature would be almost four times the size it is now. Of course, Mr. President, that would be absolutely impossible but I would like to point out that most of the Legislatures in this Nation do have legislative bodies that reflect representation of about the size our Legislature had in 1870. State Senators in most States represent less than 100,000 people. State House Members maybe 20,000 or 30,000 people.

Mr. President, if we are to keep any contact with the public, I think it is essential that we do keep our Legislature at approximately its current size rather than making the Legislature even more remote, and more impersonal, more insulated from the people.

Senator O'CONNELL. Mr. President, I oppose Senate Bill No. 440 for similar reasons that my colleagues have mentioned on the floor of the Senate. I would just, perhaps, like to add one or two additional observations. I come from a large Senatorial district, pretty close to 5,000 square miles. A couple of things would happen if the size of that district was increased by a reduction in the size of this Senate.

Mr. President, my strong feelings are that you are continually taking government further and further from the people as opposed to bringing it closer to them. I have another grave concern, Mr. President, and that is for the possibility of having candidates or people aspire for the office. It would be increasingly difficult to find candidates that might be interested in running. It is increasingly more expensive to finance these types of campaigns. In addition to that, a man would have to be very wealthy in order to consider running for this office, because he would have to give up a great deal of his time and have to be able to travel great distances. I think it is a combination of things. Removing the government from the people is severe and the possibilities of having acceptable candidates would be more remote.

In fact, Mr. President, I believe it would become a Body of vested people or a sandbox really for the wealthy. I do not think we can afford it and I do not think it is what the Constitution intended.

Senator ANDREWS. Just to use a moment here, Mr. President, I am going to vote in favor of Senate Bill No. 440. Although I am opposed to reducing the size of the Legislature, I think the people ought to make up their minds how big the Legislature is going to be. This would just put it on the ballot and let the people decide. I am in favor of letting the people decide.

Mr. President, if it should get on the ballot, I would travel my district urging everyone to vote against it, because I think for all the reasons which were mentioned here today, that the people will be less well served by a smaller Legislature than a larger one. I believe the figures are that there are only two States in the United States where a State Senator represents more people than he does in Pennsylvania. There are only six or seven States in which a House Member represents more people than he or she does in Harrisburg. I do not think people will be well served but I think the people should make that decision.

Senator EARLY. Mr. President, unfortunately, my friend, the gentleman from Lawrence, Senator Andrews, basically stole my thunder. I want to emphasize the arguments that every gentleman in this Chamber had indicated concerning his constituents. I want to emphasize, that this is giving your constituents—and many of you are concerned and want to do what your constituents want—a Constitutional amendment which gives your constituents an opportunity to vote "yes" or "no."

I think, Mr. President, they desire that opportunity so I do ask for an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS—18

Andrews,	Greenleaf,	O'Pake,	Scanlon,
Bell,	Howard,	Orlando,	Schaefer,
Bodack,	Lewis,	Pecora,	Stauffer,
Coppersmith,	Loeper,	Romanelli,	Zemprelli,
Early,	Mellow,		

NAYS—32

Arlene,	Hess,	Lloyd,	Price,
Corman,	Holl,	Lynch,	Reibman,
Dwyer,	Hopper,	Manbeck,	Ross,
Fumo,	Jubelirer,	McKinney,	Smith,
Gekas,	Kelley,	Messinger,	Snyder,
Guizenda,	Kury,	Moore,	Stapleton,
Hager,	Kusse,	Murray,	Stout,
Hankins,	Lincoln,	O'Connell,	Tilghman,

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

RECONSIDERATION OF SB 261

BILL OVER IN ORDER ON FINAL PASSAGE

SB 261 (Pr. No. 263) — Senator STAUFFER. Mr. President,

I move that the Senate do now reconsider the vote by which Senate Bill No. 261, Printer's No. 263, just passed finally.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, I request that Senate Bill No. 261 go over in its order and appear on tomorrow's Final Passage Calendar.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 480 (Pr. No. 1160) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 508 (Pr. No. 1183) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—50

Andrews,	Hankins,	Lynch,	Reihman,
Arlene,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	McKinney,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Juhelirer,	Moore,	Smith,

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

NAYS—0

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

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

SB 517 (Pr. No. 1146) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILLS OVER IN ORDER

SB 604, 605, 606, 607 and 608 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 619 (Pr. No. 651) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

Andrews,	Hankins,	Lynch,	Reihman,
Arlene,	Hess,	Manbeck,	Romanelli,

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

NAYS—0

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

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

SB 623 (Pr. No. 655) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 624 (Pr. No. 656) — 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,	Hess,	Lynch,	Reihman,
Arlene,	Holl,	Manbeck,	Romanelli,
Bodack,	Hopper,	McKinney,	Ross,
Coppersmith,	Howard,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,

Greenleaf,	Lincoln,	Orlando,	Stout,
Guzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	Zemprelli,
Hankins,			

NAYS—1

Bell,

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 625 (Pr. No. 657) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 744 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

SB 745 (Pr. No. 1123) — Considered the third time,

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

Amend Sec. 2, page 10, line 1, by removing the period after "immediately" and inserting: but shall expire on June 30 following the third anniversary of the effective date, unless reenacted by the General Assembly of the Commonwealth of Pennsylvania.

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

Senator ANDREWS. Mr. President, I desire to interrogate the gentlemen from Northumberland, Senator Kury.

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

Senator ANDREWS. Mr. President, will the gentleman explain his amendment?

Senator KURY. I will, Mr. President.

I can explain it very briefly. The amendment has a three-year sunset provision to the bill.

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

It was agreed to.

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

BILL OVER IN ORDER

SB 772 (Pr. No. 1148) — Considered the third time,

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

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

Amend Sec. 1, page 1, line 9, by striking out "PRESIDENT PRO TEMPORE OF THE Senate" and inserting: Speaker of the House of Representatives

Amend Sec. 2, page 1, line 17, by removing the period after "immediately" and inserting: , and shall apply to all vacancies of more than 90 days existing on the date of final enactment, and all vacancies of more than 90 days occurring thereafter.

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

Senator KELLEY. Mr. President, this is to perfect the spirit and the language of the proposed Senate Bill No. 772, which is to take care of the hiatus of the constitutional prohibition of the Governor when he fails to exercise his right to nominate beyond the ninety-day period. What this does is give the power of nomination to the Speaker of the House of Representatives. The basis for that is very similar in that the Lieutenant Governor, next in line, is admittedly, by his own verbiage and by history of the Commonwealth, part of the Executive branch. I believe it is incumbent, therefore, to move to an area that is fresh in the people, and the Speaker of the House would be the person who would fill that hiatus. Likewise, there is language in here that takes care of it and it would apply to those vacancies, those ninety-day vacancies, at the time of passage, as well as those that would occur in the future.

Senator HAGER. Mr. President, I do not care, frankly, whether the Senate accepts these amendments or not. My opinion is Senate Bill No. 772 in itself is very obvious in its flagrant disregard of the separation of powers and the amendments make it no less so by transferring from the President pro tempore of the Senate to the Speaker of the House that power.

That fact is, Mr. President, I think if any of you care about the Constitution at all, your vote on the amendments, as well as your eventual vote on the bill, should be "no." What the gentleman from Westmoreland, Senator Kelley, is asking that we do is, out of pique, take away from the Governor a power to appoint, and transfer that to the Legislative branch which is a flagrant and obvious disregard of the Constitution.

Mr. President, I would ask for a "no" vote on the amendments and then when we get around to the main bill we will probably talk about it.

Senator KELLEY. Mr. President, not to belabor it, I think the gentleman from Lycoming, Senator Hager, makes a very valid point under ordinary circumstances. But the one has the power to abrogate his responsibilities. The Constitution gives the Chief Executive ninety days. In his failure to do that, he has lost it under the Constitution.

Mr. President, it is incumbent upon us to do something about it. It is not unusual for us many times in legislation to give powers of appointment to various boards and commissions by the President pro tempore or the Speaker. I think this is just consistent therewith.

Senator BELL. Mr. President, I think I have heard everything now. Here is the gentleman from Westmoreland, Senator Kelley, wanting to have a House Member from Delaware County appoint everybody for all the State of Pennsylvania. Or Lebanon County. Well, that is just as bad.

In other words, what the gentleman is trying to do is to give to one person, because he can wheel and deal over in the House, the power to appoint people throughout the State when that one person never stood for statewide election.

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

YEAS—2

Kelley, Lewis,

NAYS—48

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

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

Senator SCANLON. Mr. President, would you kindly take Senate Bill No. 772 over in its order.

The PRESIDENT. Without objection, Senate Bill No. 772 will go over in its order on third consideration.

BILL RECOMMITTED

SB 792 (Pr. No. 1149) — Senator SCANLON. Mr. President, I move that Senate Bill No. 792 be recommitted to the Committee on State Government.

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

Senator PECORA. Mr. President, I request a roll call vote. I think this bill is very important to the State of Pennsylvania

and it is very, very, very good legislation. I feel even though some Members of our Senate here, I feel by their actions, giggling here, are incapable of understanding this legislation. Out of due respect, I will give them an explanation.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator PECORA. Mr. President, I object to the bill going over. I ask for a roll call.

The PRESIDENT. The gentleman has requested a roll call.

Senator HAGER. Mr. President, I would like to point out to the Members of the Senate that this bill is now on its seventh day. Whether it is voted up or down will not be decided until the vote is taken on the merits, but I would like to support the gentleman from Allegheny, Senator Pecora, in his objection to the bill going back to committee. I join him in that objection and I would request the Members of the Senate to vote "no" on the motion to recommit.

Senator SCANLON. Mr. President, I am requesting the Members of the Democratic caucus to vote in favor of the motion to recommit it to the Committee on State Government.

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Scanlon.

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

Senator SCANLON. I will, Mr. President.

With the express understanding that I am a surrogate Majority Leader today, I will be glad to try to answer some of the gentleman's questions. The motion to recommit is marked on this Calendar by the Majority Leader. If I can be of help, I will try it.

Senator PECORA. Mr. President, if it was done by the Majority Leader, I feel it would be improper then to question the gentleman from Allegheny, Senator Scanlon, but I wanted to know what the reasons were and the purpose of it. If it is recommitted, will it come out of committee?

Senator SCANLON. Mr. President, if I implied that this was done solely and exclusively by the Majority Leader I apologize. This was decided in the Democratic caucus, over which the gentleman presided, that this bill should be recommitted for a multitude of reasons, Mr. President.

Senator PECORA. Multitude of reasons, Mr. President, may I have some of them, please?

PARLIAMENTARY INQUIRY

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

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

Senator COPPERSMITH. Mr. President, during a motion to recommit, getting into the substance of the bill is not proper and the questions of the gentleman from Allegheny, Senator Pecora, are getting to the merits of the bill.

The PRESIDENT. The gentleman has asked a question on the merits of the motion. It is proper for the surrogate Majority Leader to respond.

Senator SCANLON. Mr. President, after considerable discussion—Mr. President, I apologize to the gentleman, but I am

using my best recollection—it was decided there was nothing incompatible with certain local government officials in certain local government offices also running for the State Legislature and, primarily, that was the reason.

Senator PECORA. Mr. President, why do we not vote on the merit of Senate Bill No. 792 instead of recommitting the bill? After all, I have to disagree with you to some extent.

The Senate today has approved borough codes, township codes, municipal codes and if we held the position of a borough councilman or a mayor of a borough, then it would constitute a conflict of interest. Would you expect a Legislator to not vote or would that Legislator continue to vote on bills that give the intention of a conflict of interest? I am trying to bring some integrity back into State government, where we do not constitute conflicts of interest and we represent our constituents properly.

POINT OF ORDER

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

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

The Chair would like to remind the gentleman that it is proper only here to debate the motion, not to debate the bill. The motion is to recommit the bill to the Committee on State Government.

Senator PECORA. Mr. President, why are we refusing to vote on the merits then, why recommit the bill?

Senator SCANLON. Mr. President, because in the prerogative of the leadership of the Majority it has been decided that this bill should be recommitted to the Committee on State Government for further study, and it is as simple as that.

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator McKinney.

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

Senator MCKINNEY. I will, Mr. President.

Senator PECORA. Mr. President, I would like to ask the gentleman from Philadelphia, Senator McKinney, a question pertaining to the recommitment of the bill. Are there some changes you intend to put into it?

Senator MCKINNEY. Mr. President, that would depend upon the consensus of the entire committee. If the bill is recommitted, we will go over the bill again and see if there can be some changes; if something in the bill does not conform to the wishes of the majority, the majority of the Senate, then of course, we would correct that. Those matters, and perhaps, perhaps, I stress perhaps, three times, bring it out again, I do not know, I cannot say.

Senator PECORA. Perhaps? Mr. President, could the gentleman give me something definite or some time limit? Does the gentleman think it a possibility it could be out of committee this year or next year?

Senator MCKINNEY. Well, Mr. President, I would say before the Session ends.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

Arlene,	Kury,	Murray,	Scanlon,
Bodack,	Lewis,	O'Pake,	Schaefer,
Coppersmith,	Lincoln,	Orlando,	Smith,
Early,	Lynch,	Reibman,	Stapleton,
Fumo,	McKinney,	Romanelli,	Stout,
Guزندا,	Mellow,	Ross,	Zemprelli,
Hankins,	Messinger,		

NAYS—24

Andrews,	Hager,	Kelley,	O'Connell,
Bell,	Hess,	Kusse,	Pecora,
Corman,	Holl,	Lloyd,	Price,
Dwyer,	Hopper,	Loeper,	Snyder,
Gekas,	Howard,	Manbeck,	Stauffer,
Greenleaf,	Jubelirer,	Moore,	Tilghman,

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

The PRESIDENT. Senate Bill No. 792 will be recommitted to the Committee on State Government.

BILL ON THIRD CONSIDERATION AMENDED

SB 837 (Pr. No. 928) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by removing the period after "title" and inserting: and further providing the content of a driver's license.

Amend Sec. 1, page 1, line 6, by striking out "Section" and inserting: Sections 1510(a) and

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting: are

Amend Bill, page 1, by inserting between lines 8 and 9:

§ 1510. Issuance and content of driver's license.

(a) General rule.—The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type of general class of vehicles the licensee is authorized to drive, which license shall contain a distinguishing number identifying the licensee, the actual name, date of birth, residence address, [a color photograph of the licensee,] such other information as may be required by the department, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in microdata form. No driver's license shall be valid until it has been signed by the licensee.

* * *

On the question,

Will the Senate agree to the amendments?

Senator LINCOLN. Mr. President, when the Pennsylvania General Assembly re-codified the Motor Vehicle Code, a provision was inserted that would require Pennsylvania licensed

operators to have a color photograph taken and it would become part of their operator's license. I very, very strongly opposed that at the time. There was a lot of confusion surrounding the final passage of that Motor Vehicle Code, being it was 420 pages long, and somehow it ended up being in the package that we finally passed. This is the first opportunity I have had since to make an effort to delete it. These amendments do nothing more than delete the provision from the Motor Vehicle Code that requires that licensing process to go through with the photograph as part of it.

My efforts several years ago were based simply on this: philosophically I do not believe we should carry a picture on that operator's license as it is not meant for that purpose, it is meant to give you the right to operate a motor vehicle. If that particular identification means is needed to get checks cashed and other things, I think the individuals who are interested in having that identification used for that purpose should come up with some other means.

There have been additional reasons I think for not subjecting our constituents to this. One of them is going to be the cost. The second is going to be a tremendous inconvenience in rural areas. There is going to be a travel time of approximately forty-five minutes each way to and from someone's home to get this picture taken. I do not think we should inconvenience our constituents in that manner. I would respectfully request a "yes" vote on these amendments.

Senator MOORE. Mr. President—Senator Lincoln's birthday this week notwithstanding—I oppose the amendments proposed by my colleague for two reasons: One, I favor having photographs on driver's license, although I do not approve of having the photographs taken in real estate offices. Two, because I would like to have Senate Bill No. 837 passed with the original subject matter intact only.

For these two reasons, Mr. President, I respectfully ask my fellow Senators to defeat these amendments and consider the proposal of the gentleman from Fayette, Senator Lincoln, separately at another time. I ask for a roll call vote.

Senator ANDREWS. Mr. President, I think the issue of having a photograph on a license—the best reason for that was mentioned almost by the gentleman from Fayette, Senator Lincoln—is that we have drivers' licenses to ascertain that only certain people drive automobiles. When a police officer stops a driver and is handed a license, he does not know really whether that is the person involved or not because there is not much identification right now on a driver's license. If we had the photograph, at least the police officer, when he stops the automobile, will know that that individual is the man who is entitled to use that license. For law enforcement purposes, Mr. President, it would be a very important tool in identification.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—37

Arlene,	Hankins,	McKinney,	Romanelli,
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Bell,	Hess,	Mellow,	Ross,
Bodack,	Hopper,	Messinger,	Scanlon,
Coppersmith,	Howard,	Murray,	Schaefer,
Corman,	Kelley,	O'Pake,	Smith,
Dwyer,	Kury,	Orlando,	Stapleton,
Early,	Lincoln,	Pecora,	Stout,
Fumo,	Lloyd,	Price,	Tilghman,
Greenleaf,	Lynch,	Reibman,	Zemprelli,
Guizenda,			

NAYS—13

Andrews,	Jubelirer,	Loeper,	O'Connell,
Gekas,	Kusse,	Manbeck,	Snyder,
Hager,	Lewis,	Moore,	Stauffer,
Holl,			

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

The PRESIDENT. Senate Bill No. 837 will go over, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 881 (Pr. No. 1005) — Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILLS OVER IN ORDER

HB 1068 and 1069 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 552 (Pr. No. 2181) — Considered the second time and agreed to.

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 579, 581, 587, 588, 589 and 770 — Without objection,

the bills were passed over in their order at the request of Senator SCANLON.

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

July 11, 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 Joseph L. Cosetti, 5443 Fair Oaks Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1989, vice Robert K. Bloom, Mechanicsburg, whose term expired.

DICK THORNBURGH.

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator FUMO,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATION

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

NOMINATION TAKEN FROM THE TABLE

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

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

Senator HAGER. Mr. President, I ask all the Members of the Republican caucus to support the Governor's nomination of Joseph L. Cosetti.

Senator KURY. Mr. President, I am urging Members on both sides to support Joseph L. Cosetti.

My Committee on Consumer Affairs held a hearing on his qualifications. We took testimony from a number of interested parties and the committee concluded that he was qualified. I personally think he is qualified. His background is such that he understands government, I think he has an independent mind and I think he has a tough mind. I think those are the qualifica-

tions that we need at the PUC right now.

Mr. President, I do not want to make a long speech but I do want to make a very important point, I think, here today. The PUC is now in a very difficult situation because there are only two of the five memberships filled. If the two disagree, nothing will happen because it takes a majority of those serving on the Commission to get things done.

We are facing a very critical period here in Pennsylvania. Winter is coming on, the cold weather, the various energy shortages threatening us, the gasoline, oil and so on. On electricity, we have all kinds of problems facing us.

We have electric utilities and gas utilities which have cases pending before the PUC which involve millions of dollars and which involve service to the households of Pennsylvania.

I do not want to prejudge any of those cases. I do not know whether they should be granted or denied but I do know this: the utilities of Pennsylvania and the consumers of Pennsylvania are entitled to a Commission which operates and functions effectively and which will provide a consistency in decision-making and policy so that they know what course of action to take. As long as we continue to let the Commission drift with only two members, we cannot give the utilities or the consumers of this State the policy guidance, the certainty of decision-making that they are entitled to.

Mr. President, I think there is a great deal at stake, therefore, in letting the Commission continue to drift with only two members, and the two members being very conscientious members. I do not say, Mr. President, the mere fact that we need another member is a reason for this nominee. I do believe we have a qualified nominee, and I believe under the circumstances, we serve the State well, the utility, and the public interest best, the entire public interest best, in voting "yes."

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—24

Andrews,	Hager,	Kelley,	Moore,
Coppersmith,	Hess,	Kury,	Price,
Dwyer,	Holl,	Kusse,	Schaefer,
Early,	Hopper,	Lloyd,	Snyder,
Gekas,	Howard,	Loeper,	Stapleton,
Greenleaf,	Jubelirer,	Manbeck,	Stauffer

NAYS—26

Arlene,	Lewis,	O'Connell,	Ross,
Bell,	Lincoln,	O'Pake,	Scanlon,
Bodack,	Lynch,	Orlando,	Smith,
Corman,	McKinney,	Pecora,	Stout,
Fumo,	Mellow,	Reihman,	Tilghman,
Guزندa,	Messinger,	Romanelli,	Zemprelli,
Hankins,	Murray,		

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

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.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 921 (Pr. No. 1055) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 924 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILLS ON SECOND CONSIDERATION

SB 966 (Pr. No. 1186) and SB 999 (Pr. No. 1176) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1011, HB 1133, 1177, 1211 and 1531 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator MCKINNEY, from the Committee on State Government, reported, as amended, SB 260.

Senator REIBMAN, from the Committee on Education, reported, as committed, SB 667; as amended, SB 355 and 542.

Senator LYNCH, from the Committee on Transportation, reported, as committed, SB 869 and 1005.

RESOLUTION REPORTED FROM COMMITTEE

Senator ZEMPRELLI, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, Serial No. 62, entitled:

Recognizing activities of B'nai B'rith during "B'nai B'rith Week" in Pennsylvania.

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

SENATE RESOLUTION

AMENDING SENATE RULE 32, SECTION 1; ADDING SECTION 2

Senators MURRAY and ZEMPRELLI offered the following resolution (Serial No. 63), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 23, 1979.

RESOLVED, That Senate Rule 32 be amended by striking out the heading which reads "LOUNGING IN THE SENATE

CHAMBER PROHIBITED" and inserting: SENATE CHAMBER

Amend Senate Rule 32 by inserting before Section 1: Lounging in the Senate Chamber Prohibited

Amend Senate Rule 32 by adding a new section to read: Use of Senate Chamber and Rooms for Legislative Business Only

2. The Senate Chamber, Caucus Rooms and Committee rooms shall be used only for the legislative business of the Senate and for caucus meetings of the Senators except upon occasions where the Senate, by resolution, agrees to take part in any ceremonies to be observed therein. The President shall not entertain a motion to the suspension of this rule.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Slovak Catholic Sokols of Reading and to Mr. and Mrs. Martin A. Sapiego by Senator O'Pake.

Congratulations of the Senate were extended to the McKeesport Little League Baseball Association by Senator Zemprelli.

Congratulations of the Senate were extended to Robert Crafton by Senator Mellow.

Congratulations of the Senate were extended to Saint Bernard Parish of Easton by Senator Reibman.

Congratulations of the Senate were extended to Mrs. Esther Shellenberger and to Mr. M. Richard Jones by Senator Moore.

BILLS ON FIRST CONSIDERATION

Senator SCANLON. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 260, 355, 478, 542, 667, 869 and 1005.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS

October 23, 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 Doctor Andrew W. Giran, 4601 Elizabeth Avenue, West Mifflin 15122, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1982, and until his successor is appointed and qualified, but not longer than six months beyond the four-year

period, vice Doctor B. P. Fitterer, Palmyra, resigned.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 23, 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 John T. Dorrance, Jr., 1543 Monk Road, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1982, and until his successor has been appointed and qualified, vice Hiram R. Hershey, Harleysville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 23, 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 F. Otto Haas, Ph.D., 230 Morris Road, Ambler 19002, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1982, and until his successor has been appointed and qualified, vice Iso Briselli, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 23, 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 Frank C. P. McGlenn, 729 Millbrook Lane, Haverford 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1982, and until his successor has been appointed and qualified, vice Otto Dekom, Chadds Ford, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 23, 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 Ms. Diana R. Rose, 1035 Devon Road, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1982, and until her successor has been appointed and qualified, vice E. Warren Rohrer, Christiana, whose term expired.

DICK THORNBURGH.

MEMBER OF THE CRIME VICTIM'S
COMPENSATION BOARD

October 23, 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 Perrin C. Hamilton, Esquire, (Republican), 210 Glenn Road, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1981, and until his successor is appointed and qualified, vice William H. Eckensberger, Jr., Whitehall, resigned.

DICK THORNBURGH.

MEMBER OF THE CRIME VICTIM'S
COMPENSATION BOARD

October 23, 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 Marvin E. Miller (Republican), 862 Market Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF DIRECTORS OF THE
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY

October 23, 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 John D. Wickert, 805 Mandy Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OPTOMETRICAL EXAMINERS

October 23, 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 Arnold Bierman, O.D., 108 Crestwood Drive, Lansdale, Montgomery Township, 19446, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Optometrical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Doctor Gerald B.M. Stein, State College, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OPTOMETRICAL EXAMINERS

October 23, 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 William L. Dent, Jr., O.D., 1521 West Erie Avenue, Philadelphia 19140, Philadelphia County, Third Senatorial District, for reappointment as a member of the State Board of Optometrical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OPTOMETRICAL EXAMINERS

October 23, 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 Bernard Kushner, O.D., 1431 North 75th Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Optometrical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OSTEOPATHIC MEDICAL EXAMINERS

October 23, 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 Aaron Archie Feinstein, D.O., 113 Village of Pennbrook Apartments, Levittown 19054, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Doctor David Rothman, Oxford, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 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 Edward Lee Cercone, D.S.C., 1107 Windmill Lane, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 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 Michael R. Marino, D.P.M., 940 Washington Road, Pittsburgh, 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice John B. Snow, D.P.M., Harris-

burg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 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 John C. Pankratz, D.P.M., 1524 Conneaut Lake Road, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice John N. Petrus, D.S.P., Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA BOARD OF
PSYCHOLOGIST EXAMINERS

October 23, 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 Frank J. Pizzat, Ph.D. (Practitioner), 3827 Sassafra Street, Erie, 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Board of Psychologist Examiners, to serve until December 24, 1981, and until his successor is appointed and qualified, but not longer than six months beyond the three-year period, vice Doctor Isadore Krasno, Wilkes-Barre, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

October 23, 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 F. Kenneth Hinderliter (Physical Therapist), 925 East Eighth Street, Berwick 18603, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Physical Therapy Examiners, to serve for a term of three years and until his successor is appointed and qualified, vice John W. Robinson, Jr., Huntingdon Valley, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

October 23, 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 Thomas J. Zavalydriga (Physical Therapist), 2911 Four Mile Drive, R.D. #3, Montoursville 17754, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Physical Therapy Examiners, to serve for a term of three years and until his successor is appointed and qualified, vice Frederick A. Monaco, New Kensington, whose term expired.

DICK THORNBURGH.

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

BILLS SIGNED

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

SB 64, 603 and 762.

The PRESIDENT (Lieutenant Governor William W. Scranton) in the Chair.

PETITIONS AND REMONSTRANCES

Senator KUSSE. Mr. President, it is somewhat coincidental that today we passed a bill that will increase salaries for county officials and, at the same time, give them the capability of establishing their own increases in the future. At the same time, we passed a bill that proposes to increase the salaries of Legislators and abolishes the Compensation Commission. So, in effect, it gives us the right to establish our salaries in the future.

Mr. President, I would like to share with my colleagues what one newspaper in my district has to say about the legislation that affects the county officials. That newspaper definitely supports that legislation. They say, first of all, these officials ought to get higher salaries, that the present salaries are far too low to attract qualified people as candidates. They also point out that the raise just about equals the cost of living. So, Mr. President, one might assume they may take the same attitude on the legislation that we passed pertaining to our own salaries.

I have a feeling that may not be the case because I would like to point out to you one of the reasons why they favor the idea that county officials should set their own salaries.

They say: "Having the state legislature with its history of partisan politics, corrupt dealings, graft and incompetence as the salary setting entity for county officials virtually guarantees that county officials must play ball with the legislature's leaders."

They go on to say, and I quote, "That is the last thing we need. Our county's government appears to be pure as the driven snow in comparison to the Harrisburg hooligans who run the legislature and we would dearly like to keep things that way."

I can only say I hope that that newspaper is alone in their feeling and that other media sources in my district will not share that. I guess only time will tell.

Senator MESSINGER. Mr. President, yesterday the Policy Committee of the Democratic caucus asked me to correspond with the Governor of the Commonwealth about a matter that has been disturbing us for a number of months. They also asked me to read the letter that we sent to the Governor in this Session.

I will read the epistle:

"Dear Governor Thornburgh:

"The institution of what amounts to a 'gag order' by you or your administration's key people in various departments and

agencies not only repudiates your public statements of 'open government, but is also a direct affront to the legislature and a disservice to the citizens of the Commonwealth.

"Citizens look to their Legislators, whom they elect and whom they can more easily and more economically contact than the bureaucracy, to obtain information for them from the many offices of state government. The insensitivity of your administration to providing such information on a timely basis to legislative offices inquiring on behalf of Pennsylvania's citizens is well documented. Simple inquiries to the Department of Revenue, for example, as to whether or not applications have been received, which were often answered within minutes under the prior administration, now remain unanswered for days and even weeks simply because your administration requires that even the most routine inquiry and response must be funneled through the department's legislative liaison, rather than directly to the office or person who has the information.

"In short, as your administration nears its first year anniversary, it has succeeded not in providing greater efficiency to the delivery of government services but in virtually destroying the efficiency that existed when you assumed office.

"That your administration has impeded the legislative process through restricting the timely flow of information is bad enough.

"The fact that it has also significantly impeded the delivery of important daily services to our citizens, however, is intolerable.

"You have boasted about terminating staff positions in the executive branch and have claimed that such termination of staff will save the Commonwealth money. We suggest that your depletion of adequate staff is in fact costing our citizens more in both money and time than the salaries you are saving.

"Our highways remain unrepaired because PennDOT has been slow in awarding contracts, traffic safety devices remain unapproved because processing time has slowed, welfare fraud continues undeterred because you have as few as one investigator for as many as eighteen counties, chaplains hired by your administration remain unpaid after weeks on the job because the paperwork has not been processed by DPW, estates remain unsettled because the processing of inheritance tax transfer forms has slowed (in one instance from three to six per day to one per week) property transfers remain in limbo because simple certified statements of liens cannot be obtained for months, etc., etc., etc.

"Governor, the honeymoon is OVER! It is time to put aside your public propaganda and to begin pursuing your public duties!

"We suggest you begin by doing away with the 'gag order' instituted in some of your departments and agencies and once again allow free access to information by citizens and the legislators who represent them.

"We further suggest that you change your focus on staffing from 'public relations' people who portray chaos as order to public service people who can provide order.

"Finally, we suggest that you adjust your own schedule from one of ribbon cutting to one of meeting with your own adminis-

trators and other officials who have found you virtually inaccessible.

"If these statements appear harsh, it is because the increasing inefficiency in your administration has become a harsh reality to Pennsylvania citizens. We trust you will consider them as the constructive criticisms they are intended to be."

This is signed by myself, the gentleman from Northumberland, Senator Kury, the gentleman from Lackawanna, Senator Mellow, the gentleman from Erie, Senator Orlando, the gentleman from Philadelphia, Senator Smith, and the gentleman from Berks, Senator O'Pake.

Mr. President, when I tell you that this afternoon, at 3:30 p.m., when I called an official in the Department of Transportation about a very simple matter, the secretary evidently talked to this official and her answer to me was "He does not want to talk to you but if you give me the message, I will relay it to him."

When it was all done she said, once again, "and who are you?"

Senator LOEPER. Mr. President, I think it is noteworthy today to reflect back on some of the legislation that we considered in this Body, specifically our vote this morning on House Bill No. 211, which provided for the increases in legislative salaries and judicial salaries.

I think this reflects a bipartisan effort on the part of this Body and that certainly was demonstrated by the passage of that legislation by a 40 to 10 vote.

I think we also exhibited a bipartisan effort in the passage of our budget in this Body this year and we demonstrated our concern for quality education by increasing school subsidies to our local school districts. However, in the same vein, if I recall in the late afternoon of July 4th, my colleague, the gentleman from Cambria, Senator Coppersmith, stood on this same floor and echoed his concerns for our retired teachers in Pennsylvania. I also today think that it is a momentous occasion in time to reiterate that position and concern for a cost-of-living increase as contained in Senate Bill No. 258, for our retired teachers in the Commonwealth.

Senate Bill No. 258 was referred out of the Committee on Education on May 1st, rereferred to the Committee on Appropriations on May 22nd. Many of our teachers who retired prior to 1970 certainly are finding themselves in an inflationary financial bind. I would like to ask and call on my fellow colleagues of the Senate, and more specifically the Committee on Appropriations, to reconsider Senate Bill No. 258 and try to assist our retired teachers.

Senator SNYDER. Mr. President, there are six bills to amend the Welfare Code on the Calendar on pages 7 and 8 and assurances have been given, I believe, that these will be brought up next week.

May I suggest that anyone who has any amendments they feel pertinent to any of these bills, give us or the sponsors a chance to examine them in the interest of having a meeting of the minds before the bills are voted on.

Senator PRICE. Mr. President, those of us from Philadelphia, or the Philadelphia area, are acutely aware, and this includes travelers to our city, of the dearth of taxicabs in that city. This

has developed over a long period of time and is a result of many, many complex, economic factors and the complexities of laws.

Just recently, a meeting of the Greater Philadelphia Chamber of Commerce produced the following organizations in support of breaking this log jam. I would like to read them.

In addition to the Greater Philadelphia Chamber of Commerce, the Urban Coalition, the Greater Philadelphia Partnership, Delaware Valley Hospital Council, the Philadelphia-Delaware Valley Restaurant Association, the Philadelphia Board of Realtors, Amtrak, Greyhound Bus Lines, the Old Philadelphia Restaurant and Business Association, the Greater Philadelphia Hotel and Motor Inn Association, Hahnemann Hospital, Conventional and Visitors Bureau, Opportunities Industrialization Center, and the list goes on.

The point is simply that unless this situation is corrected, Philadelphia and the Greater Philadelphia Area will suffer in the tourist attraction area, in the downtown business development, and in the far-sighted and imaginative attempts to develop Philadelphia as an international city around 1981.

In response to these appeals, I am pleased to say on behalf of myself and seven other colleagues here, a bipartisan group, a bill has been introduced to simplify the issuance of licenses for taxicabs in Philadelphia. I would urge the Senate to consider this measure promptly and hopefully pass it.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, OCTOBER 25, 1979

10:00 A.M. Special Senate Committee on Medicaid Fraud (to consider administration of Medicaid Program, especially as it relates to fraud and abuse)	Auditorium, Wm. Penn Museum, Harrisburg, PA
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FRIDAY, OCTOBER 26, 1979

9:30 A.M. Special Senate Committee to Investigate Pensions will hold a Public Hearing	Gold Room, Allegheny County Court House, Pittsburgh, PA
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MONDAY, OCTOBER 29, 1979

12:00 Noon BUSINESS AND COMMERCE (to consider Senate Bills No. 825 and 826)	Room 351
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FRIDAY, NOVEMBER 2, 1979

10:00 A.M. AGING AND YOUTH (Public Hearing on Senate Bill No. 324)	Gold Room, Allegheny County
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Court House,
Pittsburgh, PA

FRIDAY, NOVEMBER 9, 1979

10:00 A.M. AGING AND YOUTH (Public Hearing on Senate Bill No. 324)	Upper Darby Multi-Service Center, 7000 Walnut St., Upper Darby, PA
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WEDNESDAY, NOVEMBER 14, 1979

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 928)	Senate Majority Caucus Room
10:30 A.M. LABOR AND INDUSTRY (to consider Senate Bills No. 135, 136, 699 and 895)	Room 286
12:30 P.M. INSURANCE (Public Hearing on Senate Bill No. 937)	Senate Majority Caucus Room

THURSDAY, NOVEMBER 15, 1979

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Emergency Medical Care on the Pennsylvania Turnpike and in Pennsylvania generally)	Senate Majority Caucus Room
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The SECRETARY. The meeting of the Committee on Local Government, which was scheduled for October 24, 1979 at 10:00 a.m., has been cancelled.

RECESS

Senator SCANLON. Mr. President, I request that the Senate stand in recess until the call of the Chair.

The PRESIDENT. The Senate will stand in recess.

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 MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in amendments made by the Senate to **HB 211**.

BILL SIGNED

The President pro tempore (Martin L. Murray) in the pres-

ence of the Senate signed the following bill:

HB 211.

ADJOURNMENT

Senator SCANLON. Mr. President, I move that the Senate do

now adjourn until Monday, October 29, 1979, at 3:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:09 p.m., Eastern Daylight Saving Time.