

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 30, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 63

SENATE

TUESDAY, October 30, 1979.

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

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

PRAYER

The Chaplain, The Reverend WARREN A. BAKER, Pastor of Christ United Methodist Church, Selinsgrove, offered the following prayer:

Will you pray with me.

Father, thank You for today, for life extended to us that we might serve Thee in the way that Thou has called. We come before Thee and praise Thee because Thou art God, yes, Thou art our God.

We ask Thy blessing to rest upon these that come to deliberate this day. Grant them wisdom, again we pray; grant them understanding and all those things that Thou alone dost know they have need of.

Let Thy guiding hand and Thy Holy Spirit give all those things in these moments that Thou has determined is needful.

Thank You, Lord, for hearing us when we pray. Thank You for being present. Bless those that have convened, those that are absent, whoever they are and whatever they might be absent for. Be with each one and let us know that Thou art God in a very real and wonderful way. Let Thy Holy Spirit fill these halls. Let Thy will be done.

In the name of Jesus, we pray. Amen.

JOURNAL APPROVED

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

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

SENATOR ZEMPRELLI TO VOTE FOR SENATOR COPPERSMITH

Senator ZEMPRELLI. Mr. President, I request legislative leave of absence on behalf of Senator Coppersmith.

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

LEAVES OF ABSENCE

Senator ZEMPRELLI asked and obtained leave of absence for Senator HANKINS, for today's Session.

Senator STAUFFER asked and obtained leave of absence for Senator HOPPER, for today's Session.

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Committee on Professional Licensure will hold their meeting immediately upon the declaration of a recess for caucus.

Also, the Committee on Education will meet on the declaration of the recess for caucus.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives being introduced, returned to the Senate SB 234, with the information that the House has passed the same without amendments.

BILL SIGNED

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

SB 234.

GENERAL COMMUNICATIONS

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

October 30, 1979.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 2, 1979 through October 29, 1979 for the 163rd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUEL, JR.
Secretary of the Senate

CHARLES F. MEBUS
Chief Clerk
House of Representatives

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

FINANCIAL REPORT FOR THE UNIVERSITY OF PITTSBURGH

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

UNIVERSITY OF PITTSBURGH
CHANCELLOR OF THE UNIVERSITY

October 19, 1979.

Mr. Mark Gruell, Jr.
Secretary of the Senate
Senate Post Office
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Gruell:

In accordance with the reporting requirements of the Commonwealth, enclosed for your review is the Financial Statement for the University of Pittsburgh for the fiscal year ended June 30, 1979.

Sincerely,

WESLEY W. POSVAR
Chancellor

The PRESIDENT. This report will be printed in the Appendix of the Senate Journal.

REPORT FROM COMMITTEE

Senator O'PAKE, from the Committee on Judiciary, reported, as amended, SB 1019.

GUESTS OF SENATOR F. JOSEPH LOEPER, JR. PRESENTED TO SENATE

Senator LOEPER. Mr. President, it is my pleasure today to host in our gallery students from the Drexel Hill Junior High School in Upper Darby Township, led by the Chairman of the Social Studies Department there, Mr. George Kane. I would ask my fellow colleagues in the Senate to extend our usual warm welcome.

The PRESIDENT. Would those students please rise so the Senate may give you its traditional warm welcome?

(Applause.)

BILLS INTRODUCED AND REFERRED

Senators LLOYD, ROMANELLI, GURZENDA, MURRAY, KELLEY, O'PAKE, ROSS, MELLOW and REIBMAN presented to the Chair SB 1067, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further defining the term "veteran" for purposes of the provision of certain State services.

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

They also presented to the Chair SB 1068, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining the term veteran for purpose of civil service preferences and blind veteran's pensions.

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

They also presented to the Chair SB 1069, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining veteran for purposes of assessment of processing fees.

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

They also presented to the Chair SB 1070, entitled:

An Act amending the act of December 15, 1959 (P. L. 1779, No. 673), entitled, as amended, "The Fish Law of 1959," further defining the term "disabled veteran" for purposes of free fishing licenses.

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

They also presented to the Chair SB 1071, entitled:

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic, have suffered the loss of two or more limbs as a result of military service or have a one hundred per cent permanent disability; . . .," further defining the term "citizen or resident."

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

They also presented to the Chair SB 1072, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining the term "military service."

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

They also presented to the Chair SB 1073, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further defining the term "member of the armed forces" for purposes of obtaining certain records free of charge.

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

Senator LLOYD presented to the Chair SB 1074, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "tangible personal property."

Which was committed to the Committee on Finance.

Senator LYNCH presented to the Chair SB 1075, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," further providing for the disposition of funds received from the operation of the lottery.

Which was committed to the Committee on State Government.

He also presented to the Chair **SB 1076**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an exemption from title and registration fees.

Which was committed to the Committee on Transportation.

Senators **BELL, LYNCH, STAUFFER** and **SMITH** presented to the Chair **SB 1077**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," repealing the authorization of the Liquor Control Board to issue certain licenses.

Which was committed to the Committee on Law and Justice.

Senators **BELL, LOEPER** and **OPAKE** presented to the Chair **SB 1078**, entitled:

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," further providing for State-aid.

Which was committed to the Committee on Education.

Senators **ANDREWS** and **LEWIS** presented to the Chair **SB 1079**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for appropriations to nonprofit associations for sport or recreational purposes.

Which was committed to the Committee on Local Government.

RECESS

Senator **ZEMPRELLI**. Mr. President, I request a recess of the Senate for the purpose of holding a Democratic caucus and a Republican caucus.

The **PRESIDENT**. Are there any objections? The Chair hears no objection, and declares a recess of the Senate.

AFTER RECESS

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

SENATOR HAGER TO VOTE FOR SENATOR STAUFFER

Senator **HAGER**. Mr. President, I would like to ask for a legislative leave of absence for this day's Session, or so much a part thereof as is unable to be in attendance for Senator Stauffer, who is in the building on legislative business.

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 696 (Pr. No. 1082) — Senator **ZEMPRELLI**. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 696.

On the question,

Will the Senate agree to the motion?

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

Senator **ZEMPRELLI**. Mr. President, I understand that a roll call is in effect and I understand the Chair's view about the roll call. But, Mr. President, I have been requested by several Members of the caucus to make a statement in appreciation of what a vote means with respect to this particular bill.

Mr. President, I would only suggest to the Members, whether they be on my side of the aisle or the opposite side of the aisle, that Senate Bill No. 696 in fact would be an affirmative vote—

The **PRESIDENT**. Would the gentleman please yield to the roll call. He is out of order on this point. The gentleman may make that statement during the order of business of Petitions and Remonstrances.

Senator **ZEMPRELLI**. Mr. President, then I shall move that the roll call be stricken so that sufficient information can be given to the Membership to understand the impact of the vote upon this bill.

The **PRESIDENT**. There is nothing in order at this time but to call the roll. The Clerk will continue with the roll call.

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, will the Chair please state what the motion is that we are voting on now?

The **PRESIDENT**. The motion is a motion by Senator **Zemprelli** that the Senate do concur in the amendments placed by the House in Senate Bill No. 696, Printer's No. 1082. It is the final bill on page one of today's Calendar.

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

The **PRESIDENT**. The gentleman will be so recorded.

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

The **PRESIDENT**. The gentleman will be so recorded.

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

The **PRESIDENT**. The gentleman will be so recorded.

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

YEAS—38

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

NAYS—9

Andrews,	Kury,	Manbeck,	Price,
Hess,	Lewis,	Messinger,	Reibman,
Howard,			

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.

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

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 261 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON FINAL PASSAGE

SB 837 (Pr. No. 1259) — 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—42

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

NAYS—5

Andrews,	Lewis,	O'Connell,	Stauffer,
Hager,			

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

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 1 — Senator ZEMPRELLI. Mr. President, in the last moment or two it has been called to my attention that there are some serious defects in Senate Bill No. 1, in which the clear language of the amendments placed in committee would totally thwart the intent of the bill. For that reason, Mr. President, and to call attention to the Members and ask them to review the bill, I am asking that Senate Bill No. 1 go over temporarily.

Mr. President, as a matter of comment, it was the understanding of at least the Majority Leader and the Members of his caucus that the effect of no lien was to relate to public assistance judgments. It would appear that from the amendments that were placed in committee that the no lien provision was stricken insofar as public assistance was concerned and relates only to medical assistance, the effect of which is to say that no lien can be imposed upon real property or other property as it relates to medical assistance without having any application to the fact that medical assistance is not the sole intent of having the application of no lien provisions.

For that reason, Mr. President, and based on the fact that at least the Democratic caucus was operating under a misapprehension, I again renew my request to have Senate Bill No. 1 go over temporarily in its order.

The **PRESIDENT pro tempore**. At the request of Senator Zemprelli, Senate Bill No. 1 will go over temporarily.

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator HAGER. Mr. President, is it the gentleman's intention to accept corrective amendments at today's Session on Senate Bill No. 1?

Senator ZEMPRELLI. Mr. President, it may be that the proper way to allow the bill to be considered further by way of additional amendments would be to allow an amendment to go in at this time. I understand that the gentleman from Luzerne, Senator O'Connell, has three amendments. I understand that one of those amendments would be acceptable to the Democratic caucus. If the gentleman were to present the proper amendment, I would ask that the Members from this side of the aisle be supportive of that amendment and that would keep the bill alive.

Mr. President, if we have that understanding from the gentleman from Luzerne, Senator O'Connell, I will be satisfied to release my request or ask the Chair to reverse itself with respect to having Senate Bill No. 1 go over in its order temporarily.

Senator HAGER. Mr. President, I do not understand that response as being to my question. I understand that the gentleman from Luzerne, Senator O'Connell, has a number of amendments. My question is: Would it not make sense to complete the entire amending process on one Session day of the Senate rather than amend it piecemeal and have to go through a series of printings?

Senator ZEMPRELLI. Mr. President, in response to the gentleman, from the indications of my caucus, it would appear that there was little or no support for two amendments of the gentleman from Luzerne, Senator O'Connell. I understand that since returning to the floor that the gentleman does have an amendment to offer that does have support in substance.

The PRESIDENT pro tempore. The Chair would like to comment that it would be much simpler if we took all amendments up at one time.

The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, do I understand Senate Bill No. 1 is temporarily over in its order?

The PRESIDENT pro tempore. That is correct, Senator.

Senator ZEMPRELLI. Mr. President, may we proceed with the Calendar with Senate Bill No. 1 maintaining that status?

The PRESIDENT pro tempore. Without objection, Senate Bill No. 1 is temporarily over at this time.

BILL OVER IN ORDER AND RECOMMITTED

SB 87 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

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

BILL ON THIRD CONSIDERATION AMENDED

HB 118 (Pr. No. 2221) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 2, line 20, by striking out "SECTION" where it appears the second time and inserting: Sections 901 and

Amend Sec. 1, page 2, line 21, by striking out "IS" and inserting: are

Amend Sec. 1, page 2, by inserting between lines 21 and 22:

Section 901. Certificates for existing facilities and institutions.

All health care providers operating a health care facility shall be issued forthwith a certificate of need by the department to all buildings, real property and equipment owned, leased or being operated under contract for construction, purchase or lease and for all services being rendered by the licensed, approved or certified providers [upon the effective date of this act.] on April 1, 1980: Provided, That this section shall not apply to a new institutional health service offered, developed, constructed or otherwise established after September 30, 1979 and before April 1, 1980 if the new institutional health service is covered by section 1122 of the Federal Social Security Act and application for approval is not made to or the project is disapproved by the Secretary of Health and Welfare.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL OVER IN ORDER

SB 144 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

HB 552 (Pr. No. 2181) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, by unanimous consent, offered the following amendments:

Amend Title, page 1, line 4, by removing the period after "students" and inserting: and prohibiting copayment plans.

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 2. The act is amended by adding a section to read:

Section 453. Prohibition on Copayments.—The Department of Public Welfare shall not under any circumstances or conditions initiate or implement any plan which requires or would require any medicaid prescription card holder to pay any portion of the cost of any filled prescription which is covered by the Medicaid Program.

Amend Sec. 2, page 2, line 20, by striking out "2." and inserting: 3.

Amend Sec. 2, page 2, line 20, by striking out "This" and inserting: Section 1 of this

Amend Sec. 2, page 2, line 20, by removing the period after "days" and inserting: and section 2 of this act shall take effect immediately and be retroactive to October 1, 1979.

On the question,

Will the Senate agree to the amendments?

Senator O'PAKE. Mr. President, the purpose of these amendments is to make it very clear to the Department of Public Welfare that any copayment plan would have to be dealt with by the elected Members of the Pennsylvania General Assembly. As my colleagues will recall, we debated this on October 10th, and I do not think we have to go into the merits because it was adopted at that time in the form of a resolution by a vote of 31 to 15; the Senate articulated its concern that the fifty cent copayment for each medical prescription on Medicaid assistance recipients was a very penny-wise and pound foolish way to approach savings in the Department of Public Welfare. This is not just something that happened on October 15th. Back in April when the proposed regulations were promulgated by the Department of Public Welfare, I, Secretary of Aging Black, many people who testified at the hearings on the regulations, strenuously objected to the fifty cent copayment plan.

Secretary O'Bannon, on the date of July 2nd, wrote to me and said we have decided to reconsider the proposal and will not be implementing it at this time.

The next thing we heard was sometime around October 3rd when the Secretary decided to go ahead and attempt to do this by regulation and attempt to collect fifty cents from the pock-

ets of the elderly poor for the medical prescription.

On October 2nd, we introduced Senate Resolution, Serial No. 59 which was adopted after a lengthy debate by the Senate on October 10th. The vote again was 31 to 15.

Despite that sense of the Senate resolution, the Department of Public Welfare refused to back off and decided it would still attempt to collect this money from Medicaid assistance recipients.

The court, however, had a different idea. The Federal Court on October 15th entered an order enjoining, restraining the implementation of that on a technical ground, namely they had not properly advertised.

Last week the House of Representatives amended House Bill No. 1089 to prevent legislatively this kind of cold, cruel and heartless way to attempt to save a few Welfare dollars. This is an attempt to take a vehicle, which is a House bill, amend it to make it very clear that the fifty cent copay should be stopped and not only that, but any time the Department of Public Welfare wants to do anything, they should do it by legislation, not by regulation.

I urge a strong vote on these amendments. I understand the Secretary of Welfare may be reconsidering her position and may have said that already. The fact is that she gave me some assurances early this spring that she was going to do something with regard to our Senate committee investigation Medicaid fraud. She then changed her mind.

Let us make the legislative intent clear. Let us make the law speak to the issue rather than an administrative regulation.

Senator STAUFFER. Mr. President, I would initially point out that the gentleman from Berks, Senator O'Pake, well knows that Secretary O'Bannon is not considering dropping the copay. He knows she has dropped the item. He was well-informed of this earlier today.

Mr. President, I think the amendments, which are unnecessary, would be foolish amendments for us to pass today. Secretary O'Bannon has indicated earlier today that she has totally dropped the proposal for the copay program. However, with what the gentleman from Berks, Senator O'Pake, proposes, we would write into law a prohibition of a copayment process. Today that may be fine, but we do not know what tomorrow may bring. That is why I believe it would be a mistake for us to write this into law.

The fiscal implications of some of the programs are very dramatic on the budget of the Commonwealth. We do not know what the further fiscal implications will be in the months and years ahead of us. It very well may be that there may be an agreement of mind somewhere along the line that a copay program is absolutely necessary because the revenues of this Commonwealth will not be able to support a totally State-paid program. For that reason, I think we would be well-advised to accept Secretary O'Bannon's retreat from the position the department had taken previously to recognize the program has been dropped, and then deal with it in the future if and when the occasion arises again.

Senator O'PAKE. Mr. President, if what the gentleman from Chester, Senator Stauffer, says is correct, I commend the Secretary of Public Welfare for her retreat. Apparently the Phila-

delphia Inquirer, the Pittsburgh Press, and the Welfare Rights people who were up here demonstrating yesterday, have had more impact on her decision processes than the Senate of Pennsylvania. The fact is that let us do what we were elected to do. Let us legislate on these matters.

The gentleman from Chester, Senator Stauffer, says, "We do not know what tomorrow may bring." That is precisely the point. We should not have to react after we have tried through the administrative process to prevent this kind of thing. We should address the problems, whatever problems tomorrow may bring. That is what these amendments would do.

Senator COPPERSMITH. Mr. President, I, too, am concerned about the problems tomorrow may bring. One of the problems tomorrow may bring is that we are preventing increases in cash assistance payments because of the rapidly escalating medical assistance payments. At some time, and I think even the welfare recipients realize, we are going to have to restructure our medical assistance program. For that reason I am opposed to these amendments, because I think they would introduce too much inflexibility into the system at a time when Secretary O'Bannon specifically said because of the sentiment in the House and the Senate, she is not going to implement the program.

In addition, the House passed House Bill No. 1089 which came into my committee on Monday, and I would give the commitment to the Members of this Legislature that if there would be the slightest move on the part of the Department of Public Welfare in this Session to reinstitute the copay program, I would bring that bill out on the floor and it could be voted promptly.

I think we are unwise to go ahead like this to introduce unnecessary rigidity into our medical assistance system. One of the problems with medical assistance now is we mandate many programs that really do little or no good for the people. You might talk about the elderly poor with the drug program, but you should realize for every three prescriptions that are prescribed, one is not filled, one is filled but not used and only one is used properly. It is one of the most difficult problems to deal with in trying to eliminate the fraud and the abuse because you are dealing with small transactions. We do not want to hurt the elderly poor and we are not going ahead with the copay. At the same time, in reaction, I do not think we should freeze ourselves into positions that will be unworkable.

Senator BELL. Mr. President, I rise to support the amendments of the gentleman from Berks, Senator O'Pake.

I come from Tidewater, Pennsylvania. Down our way the tide comes up; the tide recedes; then it comes up again. I think this is what the concern of the gentleman from Berks, Senator O'Pake, is. Although the Secretary has receded, the Secretary could come forth again. I think the Secretary, by mandating through regulation a fifty cent copay, has infringed on the prerogatives of the Legislature. I would much rather see this money saved by the Governor using the Attorney General and the statewide Grand Jury, which apparently now is sitting, and going after welfare fraud: the doctors who are cheating, the pharmacists who are cheating, going in on that avenue rather than putting copayment on for this or any other bona fide wel-

fare purpose, and throwing the baby out with the wash water.

Senator SNYDER. Mr. President, I am going to add my voice to those in opposition to the amendments of the gentleman from Berks, Senator O'Pake.

There is nothing basically wrong with copay. It is done in many States and, indeed, we may come to the point where we have to do it here. This so rarely meets our consciousness here on the Floor, but the figures are staggering and there is the matter of Medicaid costs. It is now running at the rate of \$1.2 billion a year in Pennsylvania, of which Pennsylvania pays one-half. This is millions ahead of what we are paying out in cash assistance. There just seems to be no grasping of the magnitude of this thing.

The Secretary has said it is out of control. This is an admission, but it has been out of control, it has been growing for years. I think we ought to preserve the options in all this. I think if we are always able to meet the situation if it arises, I think also that we ought not to be oblivious to the fact that there is coming around the corner from the Feds an energy program, an emergency fuel program, which is going to add, it is estimated, 25,000 more people to public assistance, because the policy that the Federal people want us to follow is to, in fact, invite them, if any qualification exists, to come on the rolls. That again will pyramid the Medicaid. The Medicaid is substantially ahead of last year and comparing it with our budgeted figure we are running \$144 million short of what we would need to fund it; that is, Federal and State.

Mr. President, I would strongly urge at this point that we not hamper the otherwise meritorious bill which we have before us relating to college students. I think if we pass that in its form we are saving \$2 million. May I assure you, Mr. President, that you are going to have to save a great deal more. It is going to be not only through the detection of fraud, as several of you have suggested, and as several of you are working with us on a committee, but it is also going to have to be done by some other means, either copay or cutting some body of the population off assistance which they now receive because the money is just not there.

Senator MCKINNEY. Mr. President, I rise to support the amendments of the gentleman from Berks, Senator O'Pake. I was very happy to hear that Secretary O'Bannon had backed away from her position on the matter. However, because of the rapid turnover in the Thornburgh Administration, maybe next month or two months we can have another Secretary and who knows if he or she would keep their word. Mr. President, I think the amendments to House Bill No. 552 are needed.

Senator O'CONNELL. Mr. President, when the resolution was before us a week or so ago, I voted in support of it. I also indicated at that time that sometime in the not too distant future a schedule of fees may be desirable. Since that time I chastised on the Floor of this Senate, Secretary O'Bannon, for not responding. I have had an opportunity to talk to her since that time and we have resolved some of the differences.

Mr. President, the comment I would like to make today is that sometime in the future the Legislature would probably welcome a decision by the Secretary. My experience in the twelve years that I have been here, the Legislature, in some in-

stances, is not anxious to face up to their responsibilities or to take a position, and from time to time they do pass the buck. I would suggest support of this today may cause those who favor it some concern in the future.

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

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEAS—26

Arlene, Bell, Bodack, Fumo, Gurzenda, Holl, Kury,	Lewis, Lincoln, Lloyd, McKinney, Mellow, Messinger, Murray,	O'Pake, Orlando, Pecora, Price, Reibman, Romanelli,	Ross, Scanlon, Schaefer, Smith, Stout, Zemprelli,
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NAYS—21

Andrews, Coppersmith, Corman, Dwyer, Early, Gekas,	Greenleaf, Hager, Hess, Howard, Jubelirer,	Kelley, Kusse, Loeper, Manbeck, Moore,	O'Connell, Snyder, Stapleton, Stauffer, Tilghman,
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A majority of the Senators having voted "aye," the question was determined in the affirmative.

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

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

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

Amend Title, page 1, line 4, by removing the period after "students" and inserting a comma

Amend Title, page 1, line 5, by inserting after "program": and further providing for identification and proof of residence.

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 2. Section 432.4 of the act, added July 15, 1976 (P. L. 993, No. 202), is amended to read:

Section 432.4. Identification and Proof of Residence.—All persons applying for assistance shall provide acceptable identification and proof of residence before a determination of eligibility for assistance is made; no person applying for assistance shall receive aid unless such identification and proof of residence is shown prior to the determination of eligibility for assistance; the department shall by regulations specify what constitutes acceptable identification and proof of residence.

For the purpose of determining eligibility for assistance, the continued absence of a recipient from the Commonwealth for a period of sixty days or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside the Commonwealth. The department shall make inquiry from all recipients who have been continuously absent for a period of thirty days to determine whether or not it is their intent to remain residents of the

Commonwealth or to become residents elsewhere, and shall redetermine the residence of such persons. In any case in which such inquiry does not establish that the recipient remains a resident of the Commonwealth, his aid shall be terminated [after providing timely and adequate notice of such intended action].

If a recipient is prevented by illness or other good cause from returning to the Commonwealth at the end of sixty days, and has not acted to establish residence elsewhere, he shall not be deemed to have lost his residence in the Commonwealth.

When a recipient of aid to families with dependent children or general assistance is absent from the United States for a period in excess of thirty days, his aid shall thereafter be suspended whenever need cannot be determined for the ensuing period of his absence.

It is not the intent of the General Assembly, however, in enacting this section to create any durational residence requirement.

No person receiving public assistance shall continue to receive such aid if that person ceases to be a resident of the Commonwealth.

Amend Sec. 2, page 2, line 20, by striking out "2." and inserting: 3.

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

Senator GEKAS. Mr. President, these amendments have the same theme that I carried to this Body about a year and a half ago on the question of residency on the part of welfare recipients.

Mr. President, you may recall that under the Administration of Frank Beal a new regulation came out which said, in effect, that a welfare applicant no longer had to state his residence when he applied for welfare benefits, that that welfare applicant need only do so after thirty days and in the meantime he will have received two welfare assistance checks. So that he could theoretically, without registering his residency in, say, Dauphin County, receive two welfare checks and then move to the next county and then to the next and so on and hit sixty-seven counties without ever having to sign up as to where his residence was.

There is, of course, a substantial reason why we need to know the residence of the individual so that one county, and one county alone would be responsible for the assistance to that individual. So, many of us raised a furor at that time on the promulgation of that regulation and finally Secretary Beal did reverse that decision and placed it back into a regulation where residency would be required, that is a statement of residency. This would be in the form of a rent receipt or some notation from a landlord or some other proof of residency in the county that was going to be dispersing the public assistance.

So, Mr. President, the next thing we knew is that the regulation again was going to be changed back and forth. Today I am happy to report that the regulation is lodged that this residency requirement, which I am asking legislatively to be accomplished, is the law of the land through that regulation. But like the gentleman from Berks, Senator O'Pake, I want to see the Legislature act on this so that the regulation will not bounce back and forth, depending on who is in office in that department. The gentleman from Cambria, Senator Coppersmith,

when I discussed this matter with him some time ago, said that all he was waiting for in order to see whether or not he would support this measure, would be the opinion of the Secretary of Welfare. Well, the fact that it was promulgated into a regulation in this form, in this exact form, means that it has been approved by that body. Therefore, Mr. President, I would ask the gentleman from Cambria, Senator Coppersmith, to help me engage this Body in an assent to this piece of legislation.

Mr. President, additionally it does another thing. Did you realize that at one point not too long ago, not until September of 1979, was this changed, that a welfare recipient leaving the Commonwealth of Pennsylvania, who would go to another State, would continue to receive at least two subsistence payments, two paychecks from the Welfare Department, even though he might be living in New York, and even though he might be getting relief or some kind of public assistance from that State? Well that regulation also caused us who were concerned to raise our voices and it was changed, and changed back again. We are not sure exactly where it stands now. But now in September of 1979, Secretary O'Bannon has put that in place to prohibit anyone from receiving further benefits from the Commonwealth of Pennsylvania when that recipient no longer is a Pennsylvanian. That, too, is embodied in these amendments. I feel that once and for all, like the gentleman from Berks, Senator O'Pake, who wants the legislative intent of welfare reform to take the form of statute rather than regulation, that we ought to adopt these amendments.

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

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

YEAS—39

Andrews,	Hess,	Manbeck,	Scanlon,
Bell,	Holl,	Messinger,	Schaefer,
Bodack,	Howard,	Moore,	Smith,
Corman,	Jubelirer,	Murray,	Snyder,
Dwyer,	Kelley,	O'Connell,	Stapleton,
Early,	Kury,	O'Pake,	Stauffer,
Gekas,	Kusse,	Pecora,	Stout,
Greenleaf,	Lewis,	Price,	Tilghman,
Gurzenda,	Lincoln,	Reibman,	Zemprelli,
Hager,	Loeper,	Ross,	

NAYS—6

Coppersmith,	Lloyd,	Mellow,	Romanelli,
Fumo,	McKinney,		

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

The PRESIDENT. House Bill No. 552 will go over, as amended.

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 ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 744 (Pr. No. 1213) — 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 Title, page 1, lines 1 through 5, by striking out all of said lines and inserting:

Amending the act of May 2, 1929 (P. L. 1237, No. 430), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," establishing a fee for issuing a decree in divorce and providing for the disposition of revenue from such fees.

Amend Bill, page 1, lines 8 through 19; page 2, lines 1 through 22, by striking out all of said lines on said pages and inserting:

Section 1. The act of May 2, 1929 (P. L. 1237, No. 430), known as "The Divorce Law," is amended by adding a section to read:

Section 56.1. Fees.—The fee to be charged by the prothonotary in the counties of the first through the fourth class for issuing a decree of divorce or annulment shall be ten dollars to fund the Office on Crime Victims. The fee to be charged by the prothonotary in the counties of the fifth through the eighth class for issuing a decree of divorce or annulment shall be ten dollars to fund the Office on Crime Victims. All moneys collected by the said prothonotary for funding the Office on Crime Victims shall, on or before the tenth day of the following month, be transmitted through the Department of Revenue to the State Treasurer to be deposited in the restricted revenue account established to fund the operations of the Office on Crime Victims.

Section 2. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Kelley.

The PRESIDENT. Will the gentleman from Westmoreland, Senator Kelley, permit himself to be interrogated?

Senator KELLEY. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I do not propose to object. I do want at least the Members of the Democratic caucus to know we have not caucused on these amendments and I would therefore, ask the gentleman from Westmoreland, Senator Kelley, to explain his amendments.

Senator KELLEY. Mr. President, I must apologize to my colleagues on both sides of the aisle. I heard the Majority Leader say something about that there had been no caucus on it. I do not know on that regard of any rule of the Senate that maintains there must be a caucus or things must be considered in caucus. Indeed, I must apologize for not complying with a non-rule of the Senate.

However, Senate Bill No. 744 in its present form is an attempt to raise the revenues by increasing marriage license fees.

It seems rather ludicrous and irresponsible to me for us in this General Assembly of the Commonwealth of Pennsylvania, or anywhere, to use marriage license fees as a revenue generating source.

These amendments, Mr. President, are imposing the revenue source on divorce. There is a great deal of controversy in this day and age in the Commonwealth about divorce. By bringing the Commonwealth into the Twentieth Century, I could not think of a way we could do it more quickly rather than go backward into the Fifteenth Century by keeping Senate Bill No. 744 in its present form and imposing fees on marriage, that holy and sacramental relationship between man and woman that has the imprimatur of the Commonwealth itself. I think it would be incumbent upon us to exercise good, prudent judgment on those areas that have been a failure of man and woman to live together in bliss, that we should, therefore, have the revenue-raising rates and process in a divorce form.

Mr. President, I ask unanimous consent for these amendments.

Senator O'PAKE. Mr. President, I must rise to oppose the amendments. I respectfully submit that if the gentleman from Westmoreland, Senator Kelley, is serious, this is no way to approach the problem of funding rape crisis centers and domestic violence shelters. It has been jokingly suggested in our debate on divorce reform that one of the things we could do is make the marriage license more expensive and the divorce decree a little cheaper. Perhaps people would think a second or third time.

However, the issue before us here is how to fund the rape crisis centers which must be funded and whose LEAA money is running out for the domestic violence shelters which are in existence in Pennsylvania.

Last year, 3,500 victims of rape were treated in these rape crisis centers, forty per cent of whom, by the way, were under the age of eighteen. More than 29,000 victims were treated and helped in the domestic violence shelters and programs.

The intent of Senate Bill No. 744, which is a companion to Senate Bill No. 745, is to not make the taxpayer pay for these programs, rather add \$10 to the fine imposed on every criminal defendant and raise the marriage license fee \$5.00. I do not now see where divorce comes into it and I respectfully request a unanimous vote against these amendments so we can vote these bills. They have been studied now for four months.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—3

Andrews, Kelley, Pecora,

NAYS—44

Arlene, Hager, Manbeck, Romanelli, Bell, Hess, McKinney, Ross, Bodack, Holl, Mellow, Scanlon, Coppersmith, Howard, Messinger, Schaefer, Corman, Jubelirer, Moore, Smith,

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

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—1

Kelley,

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

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

SB 745 (Pr. No. 1258) — 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—47

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

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 AND RECOMMITTED

SB 772 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,
Shall the bill pass finally?

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

YEAS—47

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

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 ON THIRD CONSIDERATION AMENDED

SB 966 (Pr. No. 1186) — Considered the third time,

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

Amend Sec. 1 (Sec. 2409.1), page 2, line 10 by striking out "competently"

Amend Sec. 1 (Sec. 2409.1), page 3, line 3 by inserting after "Services": or other agencies of the Commonwealth

Amend Sec. 1 (Sec. 2409.1), page 2, line 11 by inserting after "provided.": The Department of General Services shall annually discuss their needs for products and services, not on contract with any depart-

ment or agency of the Commonwealth with the agency representing the handicapped.

On the question,
Will the Senate agree to the amendments?
They were agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator COPPERSMITH.

SB 999 (Pr. No. 1176) — Considered the third time,

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

Amend Sec. 1 (Sec. 2), page 2, lines 2 and 3, by striking out "per day" and inserting: for each day the commission shall meet

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1011 (Pr. No. 1242) — 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—47

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

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 ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1133 (Pr. No. 2222) — 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—47

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

NAYS—0

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

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

REQUEST FOR RECESS

Senator ZEMPRELLI. Mr. President, having concluded the Third Consideration Calendar and before proceeding on any of the bills on Second Consideration, I would at this time request the Chair for a short recess of the Senate for the purpose of having a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room in the rear of the Chamber.

Senator HAGER. Mr. President, may we be at ease for just a moment?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, it is my understanding that another matter may be coming before the Committee on Rules and Executive Nominations this afternoon, and rather than have two meetings, I would ask the Chair to reconsider my request for recess of the Senate and proceed with the Second Consideration Calendar, with the hope that a resolution will appear before we conclude the Calendar.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS

AMENDED ON SECOND CONSIDERATION

SB 915 (Pr. No. 1274) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS ON SECOND CONSIDERATION

SB 260 (Pr. No. 1255) and SB 355 (Pr. No. 1256) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 445, 478, 487 and 542 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 776 TAKEN FROM THE TABLE

BILL OVER IN ORDER

SB 776 (Pr. No. 1221) — Senator ZEMPRELLI. Mr. President, prior to consideration of Senate Bill No. 579, I would ask the Chair for its indulgence in recognizing the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I move that Senate Bill No. 776, Printer's No. 1221, which was previously tabled, be removed from the table and considered at this time.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator FUMO. Mr. President, I would ask at this time that the Chair recognize the gentleman from Philadelphia, Senator Price, for some explanations on some proposed amendments which he had to this bill which we have worked out.

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, is Senate Bill No. 776, which the gentleman from Philadelphia, Senator Fumo, just had taken from the table, the subject matter of consideration at this time?

The PRESIDENT. The bill should appear on the Calendar before any further action is taken on it.

Senator ZEMPRELLI. Mr. President, in order for the Senate to consider the bill today, would it require that the Senate suspend its rules?

The PRESIDENT. The Senate will be at ease. Will the Majority Leader come to the rostrum.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I would request Senate Bill No. 776, which was just taken from the table, go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 776 will

go over in its order.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 579 (Pr. No. 1157) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 579, Printer's No. 1157 be laid on the table.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I object to the motion to table Senate Bill No. 579. I would ask for a roll call vote on the motion to table and I would ask Members to oppose that motion. This is important legislation which has been carefully considered by committee which has been on the Calendar and deserves consideration rather than being placed on the table. I would hope the Members would vote to not lay the bill on the table.

Senator HAGER. Mr. President, every Member of this Body knows exactly what the subject matter of this and succeeding bills are, this whole series of them. We are at a point now where most recent reports from the Department of Revenue make it very obvious we are in a bad way on revenue. Every measure which could be taken as soon as possible to stop the outflow of money to those who should not be getting it should be taken right now.

Therefore, Mr. President, I concur in the request of the gentleman from Chester, Senator Stauffer, that we face that issue right now and not continue to put it off as this Senate has done over the years again and again and again.

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—20

Arlene,	Lewis,	Messinger,	Ross,
Bodack,	Lincoln,	Murray,	Scanlon,
Fumo,	Lloyd,	O'Pake,	Smith,
Gurzenda,	McKinney,	Orlando,	Stout,
Kelley,	Mellow,	Romanelli,	Zemprelli,

NAYS—27

Andrews,	Greenleaf,	Kusse,	Reibman,
Bell,	Hager,	Loeper,	Schaefer,
Coppersmith,	Hess,	Manbeck,	Snyder,
Corman,	Holl,	Moore,	Stapleton,
Dwyer,	Howard,	O'Connell,	Stauffer,
Early,	Jubelirer,	Pecora,	Tilghman,
Gekas,	Kury,	Price,	

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

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

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I am going to move that Senate Bill No. 579 go over in its order.

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

Senator STAUFFER. Mr. President, I object to the motion that Senate Bill No. 579 go over in its order and ask for a roll call vote. I think the issue remains the same, the bill is on the ninth day on second reading. It must be moved up today in order to be in position to be voted on the tenth day.

A successful motion to put the bill over would effectively kill the legislation and I do not think that is the result the majority of the Members of the Senate desire.

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—19

Arlene,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Kelley,	Mellow,	Romanelli,	Zemprelli,
Lewis,	Messinger,	Ross,	

NAYS—28

Andrews,	Greenleaf,	Kury,	Price,
Bell,	Gurzenda,	Kusse,	Reibman,
Coppersmith,	Hager,	Loeper,	Schaefer,
Corman,	Hess,	Manbeck,	Snyder,
Dwyer,	Holl,	Moore,	Stapleton,
Early,	Howard,	O'Connell,	Stauffer,
Gekas,	Jubelirer,	Pecora,	Tilghman,

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

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

It was agreed to.
Ordered, To be transcribed for a third consideration.

CONSIDERATION OF SB 581, SB 587,
SB 588 AND SB 589

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 581, Printer's No. 1277, Senate Bill No. 587, Printer's No. 619, Senate Bill No. 588, Printer's No. 620, and Senate Bill No. 589, Printer's No. 1159 be tabled and upon defeat of that motion I would then move that the bills go over in their order.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, I had a question as to the Ma-

jority Leader's request. Did that apply to all these bills up through Senate Bill No. 589?

The PRESIDENT. The gentleman is making the request for all bills through Senate Bill No. 589. They will be considered singly.

Senator BELL. Mr. President, I would like to vote differently on Senate Bill No. 589 when we come to it.

BILLS ON SECOND CONSIDERATION

SB 581 (Pr. No. 1277) — The bill was considered.

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

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 581, Printer's No. 1277 be laid on the table.

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—20

Arlene,	Lewis,	Messinger,	Ross,
Bodack,	Lincoln,	Murray,	Scanlon,
Fumo,	Lloyd,	O'Pake,	Smith,
Gurzenda,	McKinney,	Orlando,	Stout,
Kelley,	Mellow,	Romanelli,	Zemprelli,

NAYS—27

Andrews,	Greenleaf,	Kusse,	Reibman,
Bell,	Hager,	Loeper,	Schaefer,
Coppersmith,	Hess,	Manbeck,	Snyder,
Corman,	Holl,	Moore,	Stapleton,
Dwyer,	Howard,	O'Connell,	Stauffer,
Early,	Jubelirer,	Pecora,	Tilghman,
Gekas,	Kury,	Price,	

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

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

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 581, Printer's No. 1277 go over in its order.

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—19

Arlene,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Kelley,	Mellow,	Romanelli,	Zemprelli,
Lewis,	Messinger,	Ross,	

NAYS—28

Andrews,	Greenleaf,	Kury,	Price,
Bell,	Gurzenda,	Kusse,	Reibman,
Coppersmith,	Hager,	Loeper,	Schaefer,
Corman,	Hess,	Manbeck,	Snyder,
Dwyer,	Holl,	Moore,	Stapleton,
Early,	Howard,	O'Connell,	Stauffer,
Gekas,	Jubelirer,	Pecora,	Tilghman,

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.
Ordered, To be transcribed for a third consideration.

SB 587 (Pr. No. 619) — The bill was considered.

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

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 587, Printer's No. 619 be laid on the table.

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—19

Arlene,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Gurzenda,	Mellow,	Romanelli,	Zemprelli,
Kelley,	Messinger,	Ross,	

NAYS—28

Andrews,	Greenleaf,	Kusse,	Price,
Bell,	Hager,	Lewis,	Reibman,
Coppersmith,	Hess,	Loeper,	Schaefer,
Corman,	Holl,	Manbeck,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Early,	Jubelirer,	O'Connell,	Stauffer,
Gekas,	Kury,	Pecora,	Tilghman,

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

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

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 587, Printer's No. 619 go over in its order.

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—18

Arlene,	Lloyd,	O'Pake,	Scanlon,
Bodack,	McKinney,	Orlando,	Smith,
Fumo,	Mellow,	Romanelli,	Stout,
Kelley,	Messinger,	Ross,	Zemprelli,
Lincoln,	Murray,		

NAYS—29

Andrews,	Gurzenda,	Kusse,	Price,
Bell,	Hager,	Lewis,	Reibman,
Coppersmith,	Hess,	Loeper,	Schaefer,
Corman,	Holl,	Manbeck,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Early,	Jubelirer,	O'Connell,	Stauffer,
Gekas,	Kury,	Pecora,	Tilghman,
Greenleaf,			

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.
Ordered, To be transcribed for a third consideration.

SB 588 (Pr. No. 620) — The bill was considered.

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

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 588, Printer's No. 620 be laid on the table.

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—19

Arlene,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Gurzenda,	Mellow,	Romanelli,	Zemprelli,
Kelley,	Messinger,	Ross,	

NAYS—28

Andrews,	Greenleaf,	Kusse,	Price,
Bell,	Hager,	Lewis,	Reibman,
Coppersmith,	Hess,	Loeper,	Schaefer,
Corman,	Holl,	Manbeck,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Early,	Jubelirer,	O'Connell,	Stauffer,
Gekas,	Kury,	Pecora,	Tilghman,

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

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

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 588, Printer's No. 620 go over in its order.

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—18

Arlene,	Lloyd,	O'Pake,	Scanlon,
Bodack,	McKinney,	Orlando,	Smith,
Fumo,	Mellow,	Romanelli,	Stout,
Kelley,	Messinger,	Ross,	Zemprelli,
Lincoln,	Murray,		

NAYS—29

Andrews,	Gurzenda,	Kusse,	Price,
Bell,	Hager,	Lewis,	Reibman,
Coppersmith,	Hess,	Loeper,	Schaefer,
Corman,	Holl,	Manbeck,	Snyder,
Dwyer,	Howard,	Moore,	Stapleton,
Early,	Jubelirer,	O'Connell,	Stauffer,
Gekas,	Kury,	Pecora,	Tilghman,
Greenleaf,			

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.

Ordered, To be transcribed for a third consideration.

SB 589 (Pr. No. 1159) — The bill was considered.

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

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move that Senate Bill 589, Printer's No. 1159 be laid on the table.

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—21

Arlene,	Lewis,	Messinger,	Ross,
Bell,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Gurzenda,	Mellow,	Romanelli,	Zemprelli,
Kelley,			

NAYS—26

Andrews,	Hager,	Loeper,	Reibman,
Coppersmith,	Hess,	Manbeck,	Schaefer,
Corman,	Holl,	Moore,	Snyder,
Dwyer,	Howard,	O'Connell,	Stapleton,
Early,	Jubelirer,	Pecora,	Stauffer,
Gekas,	Kury,	Price,	Tilghman,
Greenleaf,	Kusse,		

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

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

MOTION FOR BILL OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 589, Printer's No. 1159 go over in its order.

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—20

Arlene,	Lewis,	Messinger,	Ross,
Bell,	Lincoln,	Murray,	Scanlon,
Bodack,	Lloyd,	O'Pake,	Smith,
Fumo,	McKinney,	Orlando,	Stout,
Kelley,	Mellow,	Romanelli,	Zemprelli,

NAYS—27

Andrews,	Gurzenda,	Kusse,	Reibman,
Coppersmith,	Hager,	Loeper,	Schaefer,
Corman,	Hess,	Manbeck,	Snyder,
Dwyer,	Holl,	Moore,	Stapleton,
Early,	Howard,	O'Connell,	Stauffer,
Gekas,	Jubelirer,	Pecora,	Tilghman,
Greenleaf,	Kury,	Price,	

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 630 and SB 667 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL RECOMMITTED

SB 770 (Pr. No. 1243) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was recommitted to the Committee on Public Health and Welfare.

BILLS OVER IN ORDER

SB 825, 826, HB 830, SB 869 and 924 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL RECOMMITTED

SB 928 (Pr. No. 1278) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was recommitted to the Committee on Public Health and Welfare.

BILL OVER IN ORDER

SB 1005 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 1066 (Pr. No. 1273) — The bill was considered.

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

Senator STAUFFER. Mr. President, I request that Senate Bill No. 1066 go over in its order.

Senator ZEMPRELLI. Mr. President, I would object to Senate Bill No. 1066 going over in its order and ask that it be considered.

MOTION FOR BILL OVER IN ORDER

Senator STAUFFER. Mr. President, I would move that Senate Bill No. 1066 go over in its order.

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

Senator ZEMPRELLI. Mr. President, may we be at ease.
The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

MOTION WITHDRAWN

Senator STAUFFER. Mr. President, I withdraw the motion that Senate Bill No. 1066 go over in its order.

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

REQUEST FOR RECESS

Senator HAGER. Mr. President, I ask that the Senate stand in recess for fifteen minutes for the purpose of a short Republican caucus.

Senator ZEMPRELLI. Mr. President, I have no problem with that request. As a matter of fact, if it might help to expedite the matter, prior to the caucus I would ask that the gentleman from Westmoreland, Senator Kelley, be recognized for the purpose of offering a resolution. After the gentleman has offered his resolution and it has crossed the desk, I request that there be a meeting of the Committee on Rules and Executive Nominations. If the gentleman from Lycoming, Senator Hager, will indulge the commencement of his caucus until the meeting of the Committee on Rules and Executive Nominations is completed, I think it will work out in due order.

SENATE RESOLUTION

**REQUESTING GOVERNOR RETURN NOMINATION
OF SUSAN M. SHANAMAN TO SENATE
FOR FURTHER CONSIDERATION**

Senator KELLEY, on behalf of himself and Senator HAGER offered the following resolution (**Serial No. 65**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 30, 1979.

WHEREAS, The Senate approved Senate Resolution No. 58 returning certain nominations to the Governor; and

WHEREAS, There are three vacancies existing on the Public Utility Commission which vacancies seriously impair the operation of the Public Utility Commission to the detriment of the utility consumers of Pennsylvania; and

WHEREAS, The decision was rendered in litigation regarding the appointment and confirmation process, which decision indicates Senate action to resolve the above referenced emergency situation is in order; and

WHEREAS, The Senate does desire to further consider the nomination of Susan M. Shanaman as a member of the Public Utility Commission; therefore be it

RESOLVED, That the Senate does hereby request that the Governor return said nomination to the Senate for further consideration.

RECESS

The PRESIDENT. For the purpose of a Republican caucus, which will convene immediately in the Minority Caucus room at the rear of the Chamber, and for a meeting of the Committee on Rules and Executive Nominations, which will convene in the Rules Committee room also at the rear of the Chamber, the Chair declares the Senate in recess.

AFTER RECESS

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

SECOND CONSIDERATION CALENDAR RESUMED

The PRESIDENT. The Chair has before it Senate Bill No. 1066, Printer's No. 1273.

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

MOTION TO RECOMMIT

Senator HOLL. Mr. President, I move that Senate Bill No. 1066 be recommitted to the Committee on Appropriations.

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

Senator ZEMPRELLI. Mr. President, I am not only amazed, but I am stunned by the motion that has been made because it is contrary to what our caucus had discussed. It is also obvious to me that we do not have the votes to overcome this motion. Perhaps I have contributed to that problem because I indicated to some of my Members who had other commitments that there would not be any additional roll calls.

So as to maintain some degree of credibility in the Democratic caucus as to action that had been somewhat believed as being the action that would take place on Senate Bill No. 1066, I am asking every man of the Democratic caucus to vote "no" on this motion.

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

(During the calling of the roll, the following occurred:)
Senator SCHAEFER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—20

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

NAYS—20

Bodack,	Lewis,	Messinger,	Scanlon,
Coppersmith,	Lincoln,	Murray,	Schaefer,
Gurzenda,	Lloyd,	Reibman,	Stapleton,
Kelley,	McKinney,	Romanelli,	Stout,
Kury,	Mellow,	Ross,	Zemprelli,

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

And the question recurring,
Will the Senate agree to the bill on second consideration?
It was agreed to.
Ordered, To be transcribed for a third consideration.

MOTION TO LAY BILL ON THE TABLE

Senator HOLL. Mr. President, I move that Senate Bill No. 1066, Printer's No. 1273, be laid on the table.

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

Senator HOWARD. Mr. President, if you are going to accept the same roll call, would you please change my vote because I want the matter dealt with now. If the motion is to place the bill on the table, I want to vote "no."

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

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

YEAS—19

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

NAYS—21

Bodack,	Lewis,	Messinger,	Scanlon,
Coppersmith,	Lincoln,	Murray,	Schaefer,
Gurzenda,	Lloyd,	Reibman,	Stapleton,
Howard,	McKinney,	Romanelli,	Stout,
Kelley,	Mellow,	Ross,	Zemprelli,
Kury,			

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

MOTION FOR BILL OVER IN ORDER

Senator BELL. Mr. President, I move that Senate Bill No. 1066, Printer's No. 1273 go over in its order.

The PRESIDENT. The bill has been considered and moved to third consideration.

MOTION TO RECONSIDER SB 1066

Senator BELL. Mr. President, I move the vote by which the bill was agreed to on second consideration be reconsidered, and I ask for a roll call vote.

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

POINT OF ORDER

Senator KUSSE. Mr. President, I rise to a point of order.
The PRESIDENT. The gentleman from Warren, Senator Kusse, will state it.

Senator KUSSE. Mr. President, would you just clarify what an "aye" vote means and what a "no" vote means. That is, are we merely voting to reconsider the vote?

The PRESIDENT. An "aye" vote would be a vote in favor of the motion to reconsider. A "no" vote would vote against the motion to reconsider. If the motion passes, the question will recur, will the Senate agree to the bill on second consideration?

Senator ZEMPRELLI. Mr. President, for the purposes of expediting today's Session, I would ask the Senate to agree to the reconsideration and then having agreed to the reconsideration, if it would be in order, to accept the roll call on the previous motion to go over?

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

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

YEAS—19

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

NAYS—21

Bodack,	Lewis,	Messinger,	Scanlon,
Coppersmith,	Lincoln,	Murray,	Schaefer,
Gurzenda,	Lloyd,	Reibman,	Stapleton,
Howard,	McKinney,	Romanelli,	Stout,
Kelley,	Mellow,	Ross,	Zemprelli,
Kury,			

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

BILLS OVER IN ORDER

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

SB 1 CALLED UP

SB 1 (Pr. No. 667) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar by Senator ZEMPRELLI.

BILL OVER IN ORDER

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

**SENATE CONCURRENT RESOLUTION
RECESS ADJOURNMENT**

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

In the Senate, October 30, 1979.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, November 13, 1979 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, November 13, 1979 unless sooner recalled by the Speaker of the House of Representatives.

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

RESOLUTION REPORTED FROM COMMITTEE

Senator ZEMPRELLI, by unanimous consent, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, **Serial No. 65**, entitled:

Requesting Governor return nomination of Susan M. Shanahan to Senate for further consideration.

Senator ZEMPRELLI asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 65, ADOPTED

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 65.

The motion was agreed to and the resolution was adopted.

BILL REREFERRED

Senator ZEMPRELLI, by unanimous consent, from the Committee on Rules and Executive Nominations, returned to the Senate **HB 777**, which was rereferred to the Committee on Appropriations.

CONSIDERATION OF CALENDAR RESUMED

**SENATE RESOLUTION,
SERIAL NO. 46, CALLED UP**

Senator ZEMPRELLI, without objection, called up from page 10 of the Calendar, Senate Resolution, **Serial No. 46**, entitled:

Senate Education Committee to investigate educational accreditation organizations.

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

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 46, ADOPTED

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 46.

The motion was agreed to and the resolution was adopted.

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 210, CALLED UP**

Senator KUSSE, without objection, called up from page 10 of the Calendar, Senate Concurrent Resolution, **Serial No. 210**, entitled:

Urging the President and Congress to establish official government relations with the Republic of China.

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

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION, SERIAL NO. 210,
NOT ADOPTED**

Senator KUSSE. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 210.

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

Senator KUSSE. Mr. President, there are those who say it is none of our business that we in the State Senate should not be dictating foreign policy to the Congress of the United States. I disagree with that theory. I feel that I, as a citizen, have a right to express interest in our relationship with China. I think that I, as a Member of this Senate, have that right. I think when the Senate of Pennsylvania also expresses an interest in our relationship with Taiwan, that will have more weight with the Congress. We would join thirty-two other States that have already taken such action and most of the major cities in the United States have passed resolutions memorializing Congress to do this.

If we do not have a relationship, a government-to-government relationship or diplomatic relations of any kind with Taiwan, if in the future some government takes action against Taiwan, the United States would be powerless to do anything about it because in theory we would have taken the position that Taiwan just does not even exist, that it is a nonentity. So, therefore, even if it just be a consulate type of relationship, we would then, at least, be in a position to protect those people. I think it is important we do take some action to recognize them and to recognize that they have been our friend.

If I may, I would quote from the inauguration address of President John Kennedy, seventeen or eighteen years ago, when he said, "Let every nation know whether it wishes us well or ill that we shall pay any price, bear any burden, meet any hardship, support any friend. . ." and I emphasize that, ". . . support any friend, oppose any foe, to assure the survival and the success of liberty."

I think liberty is very important and I think we should be assuring the success of liberty. I think we have let too many of our friends go down the drain and I think it is high time we let

the world know we will support our friends.

For this reason, Mr. President, I urge adoption of this resolution.

Senator KURY. Mr. President, I want to speak very briefly on the resolution. I shall be against it. I was amused at what we did here today. It is a strange day in the State of Pennsylvania when the Democratic Majority is supporting a Republican Governor and one of my distinguished Republican colleagues is quoting President Kennedy.

To the matter at hand, Mr. President, I do not in any way take away the right of the gentleman from Warren, Senator Kusse, to express his views on this issue, or anyone else here to do that, but I do think a matter of this sensitivity, a subject of this nature is best left to the Department of State and those who fully understand the implications of what is involved here.

Mr. President, I shall be against Senate Concurrent Resolution, Serial No. 210 because I think it is potentially jeopardizing Pennsylvania business. I know there are a number of major Pennsylvania corporations that are now in the process of exploring business and the business opportunities with the Peoples Republic of China. U. S. Steel is one; Kennedy Van Saun Corporation, in my own Senate district, is exploring a major project in the Peoples Republic of China. I know that these business efforts and the possibility of enlarging economic trade with the Peoples Republic is contingent upon the United States position that the Taiwan issue is to be resolved by the Chinese.

Mr. President, I think to pass this and to have it taken as a significant gesture by this Legislature could jeopardize those Pennsylvania business interests. I do not want to do that, and, therefore, Mr. President, I urge our colleagues to vote against Senate Concurrent Resolution, Serial No. 210, and leave this matter to the Department of State.

Senator BELL. Mr. President, it is a strange day in the Legislature and the Senate when people who voted and said that we did not deserve a pay raise, which actually was a cost-of-living increase, and said we were not worth it, they, by three votes, said that Cabinet people who have been here six months should get a massive pay increase.

Mr. President, as far as the impassioned speech of the gentleman from Northumberland, Senator Kury, with all due respect to the good Senator, the gentleman was not around when a speech made like the speech of the gentleman from Warren, Senator Kusse, was made in these very areas. I do not know if it is so or not. I am talking about the time when Japan came over here and bought all of its steel and scrapmetal. There were people at that time who said we may get it back. We did on Pearl Harbor Day. When we give all the sinews of war to Communist China, and we neglect Taiwan which has stood by us, maybe we will get some of that steel back.

Senator KUSSE. Mr. President, I do not intend to belabor the issue but I would point out that I think it is appropriate that the Senate of Pennsylvania take this action. As I pointed out earlier, we join thirty-two other States that have taken such action.

Mr. President, it is also interesting to note that a survey was conducted among State Legislators. Of 7,500 State Legislators, only sixteen per cent thought President Carter was correct in

terminating the mutual defense treaty. Eighty-eight per cent felt that the United States should establish government-to-government relations with the Republic of China, even if it be merely a liaison office.

Senator KELLEY. Mr. President, I only want to observe that it is very correct what the gentleman from Warren, Senator Kusse, says, "We should bear any burden and we should pay any price." We have a duty and he has a right like all of us do individually, as he said, to speak forth our opinions to the Congress. As a Senator, and a group of Senators, we have a right, but we also have a corresponding duty to do that intelligently and knowingly of all the issues.

Mr. President, regardless of all the other State legislative bodies in this country of ours, I know for myself, I am incapable, without the knowledge sufficient to make an intelligent judgment on the foreign affairs of this country, to state what country should be recognized and what should not be. I am not going to pass judgment on my colleagues, Mr. President, but knowing the institution of this Senate, and the time and attention we give to other matters, I have strong reservations that any of us are so well fortified with the facts to make an intelligent judgment as to input in that regard.

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

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

Senator BELL. Mr. President, I voted "aye" and the microphone did not carry it.

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—15

Bell,	Holl,	Manbeck,	Snyder,
Corman,	Jubelirer,	O'Connell,	Stauffer,
Dwyer,	Kusse,	Pecora,	Tilghman,
Hess,	Loeper,	Price,	

NAYS—23

Andrews,	Kelley,	Mellow,	Scanlon,
Bodack,	Kury,	Messinger,	Schaefer,
Coppersmith,	Lewis,	Murray,	Stapleton,
Greenleaf,	Lincoln,	Reibman,	Stout,
Gurzenda,	Lloyd,	Romanelli,	Zemprelli,
Howard,	McKinney,	Ross,	

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

UNFINISHED BUSINESS
REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as amended, **SB 985**.

Senator SCHAEFER, from the Committee on Professional Licensure, reported, as amended, **HB 485**.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Frank A. Kuhn, Edward M. Czekaj, J. Gordon Smith, Alfred K. Mills, Jr. and to Richard E. Shiner by Senator Manbeck.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore Dailey, Mr. and Mrs. Frank Alabran, Mr. and Mrs. Rhuell Coble, Mr. and Mrs. Albert Marshall and to Mr. and Mrs. Ivan Berringer by Senator Stapleton.

Congratulations of the Senate were extended to Mrs. Elizabeth Saul by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. J. Carl Knies, Mr. and Mrs. Clifford H. Schwartz, Mr. and Mrs. Chris Oberst, Mr. and Mrs. Earl Kieswetter, Mr. and Mrs. Harry Heinl, Mr. and Mrs. Richard Braun and to Mr. and Mrs. Joseph Murphy by Senator Early.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Burke, Mr. and Mrs. Stanislaw Klaucs and to Mr. and Mrs. Fred Brosi by Senator Bodack.

Congratulations of the Senate were extended to Hugh F. Donnelly by Senator Loeper.

Congratulations of the Senate were extended to William K. Ulerich by Senator Coppersmith.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Garee, Mr. and Mrs. Edward J. Phillips, Mr. and Mrs. Paul Squarcia, Mr. and Mrs. Lloyd M. Yaegle, Mr. and Mrs. Harry V. Roberts and to Joseph Pauline by Senator Stout.

Congratulations of the Senate were extended to Bethlehem Steel Corporation by Senator Reibman and others.

Congratulations of the Senate were extended to Lynn Bropst by Senator Hager.

Congratulations of the Senate were extended to Mr. and Mrs. K. Earl Thomas, Mr. and Mrs. Edward M. Dixon, Mr. and Mrs. Lloyd Waring, Mr. and Mrs. Charles Sullivan, Sr. and to Mr. and Mrs. James Brothers by Senator Corman.

Congratulations of the Senate were extended to William J. Smith and to the Veterans of Foreign Wars Anthracite Post Number 283 by Senator O'Connell.

Congratulations of the Senate were extended to Wyeth Laboratories by Senator Snyder and others.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late James H. Oakey by Senator O'Connell.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Richard L. Tobias was extended to Mrs. Mary R. Tobias by Senator Manbeck.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 985, 1019 and HB 485.

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

COMMUNICATION FROM THE GOVERNOR**NOMINATION BY THE GOVERNOR
REFERRED TO COMMITTEE**

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

JUDGE, COURT OF COMMON PLEAS, BUCKS COUNTY

October 26, 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 Senate Kenneth G. Biehn, Esquire, 90 Buttonwood Lane, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas, of the Seventh Judicial District of Pennsylvania, composed of the County of Bucks, to serve until the first Monday of January, 1982, vice The Honorable Arthur B. Walsh, Jr., resigned.

DICK THORNBURGH.

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

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

Recess Adjournment.

BILL SIGNED

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

SB 696.

PETITIONS AND REMONSTRANCES

Senator HAGER. Mr. President, the distinguished gentleman from Lycoming County thanks the distinguished President of the Senate and calls the attention of the Senate to Senate Bill No. 837, which today wiped out, at least on the floor of the Senate, and as far as the Senate is concerned, by a vote of 42 to 4, the idea of having on the drivers' licenses the picture of the person who is the holder of that license.

Mr. President, that program became a law of Pennsylvania when we did a recodification of the Motor Vehicle Bill two years ago, I believe. It was in response to the request of large segments of the public that the driver's license be used as an identification for persons for many reasons, including the ability to cash checks and to obtain credit and also from those institutions which frequently are cashing checks, such as supermarkets and banks.

Mr. President, it was reversed today because of a contract, either real or about to be entered into, which in the judgment of most of the people of Pennsylvania and certainly in the judgment of the Senate of Pennsylvania, was ill-considered. It is my hope that we do not lose a program for all time which is extremely useful to many people in this Commonwealth and many financial institutions and which, therefore, would be able to render service to many, many people of this Commonwealth simply because we are upset, and rightfully upset, with a contract which would have required a huge cost, the purchase by the Commonwealth of equipment which is of doubtful value, and a great inconvenience to many, many people in this Commonwealth.

My hope is, Mr. President, that what we are really about is delivering a message to the Department of Transportation that the plan which they had decided upon to implement a program—we had already approved it—which was a bad one, and that this Senate will at some later date take up once again the issue of photos upon drivers' licenses and will reapprove that measure.

Senator ZEMPRELLI. Mr. President, I, in part, concur with the distinguished Minority Leader and also suggest that oftentimes in order to be reborn you must first die and that is what has happened with Senate Bill No. 837. Significantly the ineptness of the Department of Transportation was so unreal that it would project a program in this fashion that I am sure that is what precipitated the action of the Senate and it is sending a clear clarion message to the Department of Transportation, "go back to the drawing board and come up with something that we can in fact tacitly agree to before we give you the authorization and sanction to proceed."

Mr. President, there is a second interesting point to this and I will touch upon it and then let it go. That is that the cost of this program is approximately \$11 million. We sometimes have to reshuffle our priorities because the front office—in referring to the front office I mean the Governor—has suggested that we increase fees on motor license registrations of trucks and increase weights in order to generate more income to do the things that in my judgment occupy the highest priority. That is, to repair the roads of Pennsylvania.

Mr. President, if I were going to be asked of the two programs, one of taking the pictures or repairing roads with \$11 million, I have to opt one hundred per cent for using these funds for road maintenance. That is about the context of why I voted to eliminate the program and I would hope, as the Minority Leader has suggested, that at a later date when the roads of Pennsylvania have been repaired, that we can once again figure out the luxuries that would be provided by putting everybody's picture on his license.

Senator SNYDER. Mr. President, there ought to be a bright spot at the end of the day like this, at least. I think it ought to be noted that among the congratulatory resolutions which we passed was one concerning the elimination of smallpox from the face of the earth. The significance to Pennsylvania is that the Wyeth Laboratories at Marietta were perhaps the leader in the development of the vaccine and the development of the unique needles that were used to vaccinate people and, indeed, the greatest manufacturer of them.

I think the fact that billions of people now have the security of feeling they are no longer threatened by this very horrifying and dread disease can be attributed, in part at least, to the very good work done at the plant in Marietta.

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 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 Susan M. Shanaman, Esquire, 6226 Westover Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1983, vice Mrs. Helen Bohlen O'Bannon, Pittsburgh.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

October 30, 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 James H. Cawley, Esquire, 7 Eastgate Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1981, vice Louis J. Carter, Esquire, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

October 30, 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 Linda C. Taliaferro, Esquire, 500 East Bruceton Road, Suite 323, Pittsburgh 15236, Allegheny County, Forty-fifth 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.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, NOVEMBER 2, 1979

10:00 A.M.	AGING AND YOUTH (Public Hearing on Senate Bill No. 324)	Gold Room, Allegheny County Court House, Pittsburgh, PA
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THURSDAY, NOVEMBER 8, 1979

9:30 A.M.	CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS (Public Hearing on Constitutional Spending — Taxation Limitations for Pennsylvania)	Indiana Court House, Indiana, PA
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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

9:00 A.M. to 12:00 Noon	CONSUMER AFFAIRS (to consider Senate Bills No. 1031 and 1032)	Senate Minority Caucus Room
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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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FRIDAY, NOVEMBER 16, 1979

9:30 A.M.	CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS (Public Hearing on Constitutional Spending — Taxation Limitations for Pennsylvania)	Council Chambers, City Hall, Philadelphia, PA
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ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Tuesday, November 13, 1979, at 1:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Standard Time.