

# Legislative Journal

WEDNESDAY, DECEMBER 5, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 70

## SENATE

WEDNESDAY, December 5, 1979.

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

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

### PRAYER

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

Our Heavenly Father, we thank Thee for Thy many mercies and blessings unto our beloved country. In these critical days within this great nation and the world, help us to constantly rely on Thy unfailing resources. May we never forget, however difficult our circumstances are at home and abroad. Thou hast assured all those who put their trust in Thee, "I will never leave thee nor forsake thee; lo, I am with thee always even unto the end of time."

This we ask in our Redeemer's Name. Amen.

### JOURNAL APPROVED

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

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

### SENATOR ROSS TO VOTE FOR SENATOR SCHAEFER

Senator ROSS. Mr. President, I request a legislative leave for Senator Schaefer.

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

### COMMUNICATION FROM THE GOVERNOR

#### RECALL COMMUNICATION 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:

## SECRETARY OF COMMUNITY AFFAIRS

December 5, 1979.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 1, 1979, for the appointment of Ms. Shirley N. Dennis, 1656 Easton Road, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1983, and until her successor shall have been appointed and qualified, vice The Honorable William R. Davis, Greensburg.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1231**, which was referred to the Committee on Professional Licensure.

He also presented for concurrence **HB 1663**, which was referred to the Committee on Public Health and Welfare.

### HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1262, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1262**, and has appointed Messrs. McCLATCHY, PITTS and PIEVSKY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

### HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 1011**, with the information that the House has passed the same without amendments.

## BILL SIGNED

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

**SB 1011.**

### SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 66

The PRESIDENT pro tempore. Pursuant to the provisions of

Senate Resolution, Serial No. 66, I hereby appoint the following Senators to serve as members of the Special Senate Committee to investigate laws affecting mining and other aspects of bituminous coal operations:

The gentleman from Fayette, Senator Lincoln, Chairman; the gentleman from Indiana, Senator Stapleton; the gentleman from Washington, Senator Stout; the gentleman from Centre, Senator Corman; and the gentleman from Allegheny, Senator Pecora.

#### SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 67

The PRESIDENT pro tempore. Pursuant to the provisions of Senate Resolution, Serial No. 67, I hereby appoint the following Senators to serve as members of the Special Senate Committee to study cases of delinquent acts committed by youths:

The gentleman from Philadelphia, Senator Lloyd, Chairman; the gentleman from Northumberland, Senator Kury; the gentleman from Berks, Senator O'Pake; the gentleman from Delaware, Senator Loeper; and the gentleman from Philadelphia, Senator Price.

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. There will be a recessed meeting of the Committee on Education called off the floor today considering Senate Bill No. 455. Permission has been granted to the committee by the Majority and Minority Leaders.

#### BILLS INTRODUCED AND REFERRED

Senators DWYER, KELLEY and MESSINGER presented to the Chair SB 1157, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing the Corrections Commission as an independent administrative commission replacing the Bureau of Corrections.

Which was committed to the Committee on State Government.

Senators O'PAKE, GEKAS, REIBMAN, O'CONNELL, MELLOW, SNYDER, MOORE, STAUFFER, DWYER, MESSINGER, KELLEY, ROSS, STOUT, LINCOLN, HESS, CORMAN, STAPLETON, KUSSE, ANDREWS and JUBELIRER presented to the Chair SB 1158, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for permissible interceptions and disclosures of certain communications.

Which was committed to the Committee on Judiciary.

Senators O'CONNELL and DWYER presented to the Chair SB 1159, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the establishment of an emission inspection program.

Which was committed to the Committee on Transportation.

Senators SCANLON, LINCOLN, O'PAKE, STAPLETON, FUMO, HANKINS, ROSS, ROMANELLI, REIBMAN, COPPERSMITH, McKINNEY, LEWIS, KELLEY, ORLANDO, MESSINGER, LYNCH, CORMAN, GURZENDA, SMITH, BODACK, GREENLEAF, MELLOW, STOUT, PECORA and DWYER presented to the Chair SB 1160, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further defining the term "physician" and making editorial changes.

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

Senators PECORA, MELLOW, LOEPER, BELL, PRICE, O'CONNELL, STAPLETON, SMITH, CORMAN, DWYER, HESS, LLOYD, BODACK and STOUT presented to the Chair SB 1161, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for periods of meditation and prayer.

Which was committed to the Committee on Education.

Senators COPPERSMITH, LYNCH and HOLL presented to the Chair SB 1162, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further regulating the computation of the reserve liability of life insurance policies and annuity contracts.

Which was committed to the Committee on Insurance.

Senators SNYDER and MANBECK presented to the Chair SB 1163, entitled:

An Act making an appropriation to the Lancaster County Branch of the Pennsylvania Association for the Blind, Inc., for the provision of services to the blind.

Which was committed to the Committee on Appropriations.

#### RECESS

Senator ROSS. Mr. President, I request a recess of the Senate until 2:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:00 p.m., Eastern Standard Time.

#### AFTER RECESS

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

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

#### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator COPPERSMITH submitted the Report of Committee of Conference on HB 830, which was laid on the table.

**REPORTS FROM COMMITTEE**

Senator MELLOW, from the Committee on Environmental Resources, reported, as committed, **HB 367** and **735**; as amended, **SB 408** and **HB 805**.

**SENATOR SCANLON TO VOTE FOR SENATOR FUMO**

Senator SCANLON. Mr. President, at this time I would request a legislative leave of a temporary measure for Senator Fumo. When he appears on the floor he will vote himself. Until that time I will vote him.

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

**HB 1261 TAKEN FROM THE TABLE**

Without objection, Senator SCANLON called from the table **HB 1261**.

**BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS**

**SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1261**

**HB 1261 (Pr. No. 2633)** — Senator SCANLON. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1261, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**COMMITTEE OF CONFERENCE APPOINTED ON HB 1261**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators STAPLETON, REIBMAN and DWYER as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 1261.

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

**CALENDAR**

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 756 (Pr. No. 1383)** — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 756.

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

The yeas and nays were required by Senator SCANLON and

were as follows, viz:

**YEAS—46**

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

**NAYS—0**

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

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

**SB 846 (Pr. No. 1404)** — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 846.

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

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

**YEAS—46**

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

**NAYS—0**

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

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

**SB 882 (Pr. No. 1314)** — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 882.

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

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

**YEAS—44**

Andrews,	Hager,	Loeper,	Price,
Bell,	Hankins,	Lynch,	Reibman,

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

## NAYS—2

Kelley, Stout,

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

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

## THIRD CONSIDERATION CALENDAR

## PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1632 (Pr. No. 2388)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator SCANLON. Mr. President, I would like to make a few remarks on behalf of the gentleman from Philadelphia, Senator Arlene, who worked very long, hard and strenuously to have House Bill No. 1632 passed.

I am speaking on the gentleman's behalf because unfortunately his brother passed away and it is impossible for the gentleman to be here today to vote for the bill. However, I would like the record to show that the gentleman did work very hard on this bill and if he were here, he would be making a similar remark and would be voting for this measure.

Senator GEKAS. Mr. President, many of us are going to vote in favor of this piece of legislation I am sure. Those of us who are going to support the bill, nevertheless, were concerned up to this moment and still are somewhat concerned about what we want to term the Philadelphia situation, with respect to certain demands made or contractual negotiations being held where the professionals in the Philadelphia area were in negotiation with the other side of the contract.

Mr. President, in this case, the gentleman from Philadelphia, Senator PRICE, has assured me of matters of which he has learned that seem to indicate to us that no contract bearing adverse conditions will be entered into without full scrutiny by the people who are asking for the appropriation in the first place. Further, I have the assurance that this particular appropriation for next year will come under the scrutiny of the Senate Committee on Appropriations when the new fiscal year begins. On that basis, Mr. President, with these assurances, so that we know where we are going, many of us who were in doubt about where the money is going, are going to support this appropriation.

Senator JUBELIRER. Mr. President, I share some of the thoughts of the gentleman from Dauphin, Senator Gekas.

I think there are many of us who feel, Mr. President, that

Community Legal Services too often go too far. They get into areas where they really do not belong. They do things that the law was not designed to have them do and they extend the situation far beyond their reach. I think this has happened not only in my district, but listening to some of the other Senators speak, it has happened in their district too. As the gentleman from Dauphin, Senator Gekas, says, it is going to be coming under the scrutiny of the Committee on Appropriations. I believe that the Bar Association owes an obligation, too, to supervise and to pay close attention into what is happening in Community Legal Services.

Mr. President, I think if by cutting back on the appropriation I felt that they would cut back on some of the things that they do not well belong in, then perhaps it might be a worthwhile "no" vote. But I recognize that there are many poor who do need these legal services. I recognize there are many people who would be harmed without them, therefore, I am going to cast a reluctant "yes" vote.

Mr. President, I say here on this floor if things do not change next year, then I frankly intend to change my vote and work very hard to see that things are changed. I hope the message is sent out loud and clear that there are many Members of this Body who are dissatisfied with the way Community Legal Services has been run. We are tired of some of the arrogance that has been shown by the organization and by those who perform for the organization. Hopefully, the reason the system came into being will be more realistic and certainly will be there for the reasons that it was designed to do.

Therefore, Mr. President, I want to spread upon the record my thoughts, my comments, which I think are probably shared by many of my colleagues.

SENATOR STAUFFER TO VOTE FOR  
SENATOR MOORE

Senator STAUFFER. Mr. President, I have just learned that Senator Moore is still on the legislative business that kept him from joining us earlier. I would, therefore, be voting him on the remainder of the roll calls.

Senator PRICE. Mr. President, in order to put on the record the full information the gentleman from Dauphin, Senator Gekas, referred to a moment ago, I would just like to say that the letter he mentioned was addressed to the Honorable Joseph F. Smith as Chairman of the Committee on Appropriations from Mr. Harold Thorkelson, Executive Director of Pennsylvania Legal Services Center in Harrisburg, dated November 29, 1979.

While I will not read the entire letter, I will say that it does substantiate what the gentleman from Dauphin, Senator Gekas, said, namely that that parent organization, Pennsylvania Legal Services Center, will review the contract for Community Legal Services in Philadelphia and will withhold funds to the Philadelphia organization until they are satisfied that the contract is in the public interest.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**HB 1905 (Pr. No. 2593)** — 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—46

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

NAYS—1

Kelley,

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 487 (Pr. No. 503)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

**HB 571 (Pr. No. 2512)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

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.

**HB 739 (Pr. No. 2607)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

## 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.

## BILL REREFERRED

**SB 785 (Pr. No. 1359)** — Upon motion of Senator SCANLON, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 852 (Pr. No. 2372)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

## NAYS—0

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

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

**SB 855 (Pr. No. 1380)** — Considered the third time and agreed to,

And the amendments made thereto having been printed as

required by the Constitution,

On the question,  
Shall the bill pass finally?

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

## YEAS—44

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

## NAYS—3

Hess, Snyder, Stauffer,

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 963 (Pr. No. 1367)** — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

## YEAS—44

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

## NAYS—3

Early, Pecora, Reibman,

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 1004 (Pr. No. 1184)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

**SB 1016 (Pr. No. 1360)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

BILLS OVER IN ORDER

**SB 1021 and 1039** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1052 (Pr. No. 1253)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

**SB 1104 (Pr. No. 1330)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Gurzenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

**SB 1105 (Pr. No. 1331)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

PRESENT—1

Murray,

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

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

**HB 1108 (Pr. No. 2578)** — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,
Early,	Kury,	Murray,	Snyder,
Fumo,	Kusse,	O'Connell,	Stapleton,
Gekas,	Lewis,	O'Pake,	Stauffer,
Greenleaf,	Lincoln,	Orlando,	Stout,
Guizenda,	Lloyd,	Pecora,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—0

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

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

BILLS OVER IN ORDER

**HB 1177 and 1407** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

REQUEST FOR REPUBLICAN CAUCUS

Senator HAGER. Mr. President, before we move any further on the Calendar, the Republican caucus would like to have a re-

cess of the Senate for perhaps five minutes to discuss an issue which is on the Calendar.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, where are we on the Calendar?

The PRESIDENT. We are on page 5 of today's Calendar, Bills on Third Consideration.

Senator KELLEY. Is there a motion on the floor, Mr. President?

The PRESIDENT. No, there is not.

Senator KELLEY. Mr. President, my understanding is the gentleman from Allegheny made a motion for House Bill No. 1407 to go over.

The PRESIDENT. The gentleman requested House Bill No. 1407 go over in its order. It has gone over in its order.

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, the Chair declares the Senate in recess.

AFTER RECESS

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

THIRD CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 1407

BILL OVER IN ORDER TEMPORARILY

**HB 1407 (Pr. No. 2458)** — Senator SCANLON. Mr. President, previously I had requested to take House Bill No. 1407 over in its order. At this point, I would move that the Senate reconsider its decision to pass over House Bill No. 1407 and consider it immediately for final passage.

The PRESIDENT. The Chair reverses its decision that House Bill 1407 on page 4 of today's Calendar go over in its order.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I inquired through parliamentary inquiry before the recess for a caucus and the Chair informed me that the bill went over in its order. I understand the motion of the gentleman from Allegheny, Senator Scanlon, is that a reconsideration motion be made to be put to the Body.

It is not reversible by the Chair, but rather the Body must dispose of the motion.

The PRESIDENT. Senator Scanlon moves that the Senate reconsider its decision to have House Bill No. 1407, Printer's No. 2458 go over in its order.

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

Senator KELLEY. Mr. President, I request a roll call.

Senator SCANLON. Mr. President, I urge the Members of the Democratic caucus to vote in favor of the motion to reconsider House Bill No. 1407.

Senator STAUFFER. Mr. President, I join with the gentleman from Allegheny, Senator Scanlon, in advocating that House Bill No. 1407 be reconsidered and the bill be run.

Senator KELLEY. Mr. President, I would ask one of the surrogate Majority or Minority Leaders, in fact, both of them, if they would give us substantive reasons to the respective caucuses to vote for it. I am not opposed to the bill, but I think a clarification in the public domain ought to be eternally in the annals of this Body.

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

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

YEAS—40

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

NAYS—7

Fumo,	Lewis,	Mellow,	Stout,
Kelley,	Lincoln,	Messinger,	

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

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

POINT OF ORDER

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

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, as I understand, it is the motion to reconsider, then the question recurs on the original motion to go over.

The PRESIDENT. For the gentleman's information, there was no motion for the bill to go over. It was a request.

REQUEST FOR BILL OVER IN ORDER TEMPORARILY

Senator FUMO. Mr. President, I am rising to ask that we temporarily go over House Bill No. 1407, as I am having

amendments prepared to it. It was my understanding that we were going to go over the bill until some negative feelings were made by the Minority.

I want to explain what my amendments are because I believe that what we have done today has gotten ourselves into the bind of discussing what we are going to do with lottery funds for senior citizens. I think there is a legitimate dispute as to the philosophy as to what we want to do. My amendments that I am having prepared now would basically incorporate Senate Bill No. 681 into this. I plan to offer two of them. One, to gut the bill to replace it with Senate Bill No. 681 to provide them with free prescriptions, and secondly, one which would add that on.

I also understand other Senators have similar amendments regarding rural transportation benefits.

POINT OF ORDER

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

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

Senator SCANLON. Mr. President, will the gentleman from Philadelphia yield?

Senator FUNO. Yes, I shall, Mr. President.

Senator SCANLON. Mr. President, I agree that the bill can go over temporarily and I request that the bill go over temporarily.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Smith, will state it.

Senator SMITH. Mr. President, if the bill is amended and there is a cost factor in it, must it then go to the Committee on Appropriations?

The PRESIDENT. In the Chair's opinion, it would.

Senator STAUFFER. Mr. President, we have no objection to House Bill No. 1407 going over temporarily in order that the gentleman's amendments may come down. We will want the bill considered by the conclusion of the Calendar, however.

The PRESIDENT. Without objection, House Bill No. 1407 will go over in its order temporarily.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1997 (Pr. No. 2508) — 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,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,
Bodack,	Holl,	McKinney,	Ross,
Coppersmith,	Hopper,	Mellow,	Scanlon,
Corman,	Jubelirer,	Messinger,	Schaefer,
Dwyer,	Kelley,	Moore,	Smith,

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

## NAYS—0

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

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

## RECESS

Senator SCANLON. Mr. President, now that we have reached the end of the Third Consideration Calendar temporarily, I would request a recess of the Senate for the purpose of a meeting of the Committee on Judiciary, which will be held in the Rules Committee room, a meeting of the Committee on Education which will be held in the Minority Caucus room and as soon as those two committee meetings are over, a short meeting of the Committee on Rules and Executive Nominations in the Rules Committee room.

The PRESIDENT. For the purpose of a meeting of the Committee on Judiciary, which will convene immediately in the Rules Committee room at the rear of the Chamber simultaneously with the meeting of the Committee on Education in the Minority Caucus room at the rear of the Chamber, to be followed by a short meeting of the Committee on Rules and Executive Nominations in the Rules Committee room 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.

## CONSIDERATION OF CALENDAR RESUMED

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED  
ON SECOND CONSIDERATION AND REREFERRED

**SB 770 (Pr. No. 1417)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

Upon motion of Senator SCANLON, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 310, HB 339, SB 373, 617, 618, 902, 903 and HB 948** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

## BILL ON SECOND CONSIDERATION

**SB 984 (Pr. No. 1401)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL REREFERRED

**SB 1029 (Pr. No. 1227)** — Upon motion of Senator SCANLON, and agreed to, the bill was rereferred to the Committee on Environmental Resources.

## BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 1222 (Pr. No. 1375)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

Upon motion of Senator SCANLON, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

## HB 1407 CALLED UP

**HB 1407 (Pr. No. 2458)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar by Senator SCANLON.

## BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1407 (Pr. No. 2458)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO. Mr. President, previously I made a request that we would be allowed to go over the bill temporarily for the purpose of preparing amendments, specifically amendments which would allow for a paid prescription drug program for senior citizens and amendments which would allow for monies to be spent for rural transportation for senior citizens.

However, after a discussion with the Legislative Reference Bureau as to the time factor involved and the constitutional complications of amending House Bill No. 1407 to do those two things, as well as discussion with other Members in my caucus, I am going to withdraw that motion and that request. I would like to speak for a second on why I originally made it and as to why I want to withdraw it.

It is regrettable that we are going to have to vote for this bill today in its present form. It is not regrettable that we are attempting to give senior citizens some sort of economic aid. I am sure that there is no one in this Chamber that does not want to do that for senior citizens.

However, I feel that the rapidity in which this bill has been brought to us has deprived us of the opportunity to really study viable alternatives and to really study this proposal. As I understand this proposal, it is not going to give a lot of money to a lot of people.

I am staunchly committed to the senior citizens in my district to help them to get free prescription drugs or at least some program along that line. I was fearful that if we allow House Bill No. 1407 to go the way it is, the money is going to be spent and there will not be any money left in that lottery fund for that program. That is why I requested it, Mr. President.

However, Mr. President, it is again regrettable that the caucus is divided, that the hour is late, that the issue is confused,

but I cannot do that. I am now asking that we consider House Bill No. 1407 and then I intend to speak on the bill when we do consider it.

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

On the question,  
Shall the bill pass finally?

Senator BELL. Mr. President, like the gentleman from Philadelphia, Senator Fumo, I am committed to provide some type of prescription drug aid for our senior citizens even though it means the senior citizen pays a dollar towards the cost of the drugs.

Mr. President, I have sounded out my own caucus and I find the majority of my caucus feel that this money should go the way it is. After all, maybe that is correct because if the senior citizen gets the money, he can buy prescription drugs.

The question was also raised that we already passed some \$60 million of Federal money today to put fuel oil in the tanks of the heaters and coal in the bunkers and pay gas and electric heating bills. However, that money does not necessarily duplicate this money, because with this money, the household unit can have an income cap of \$9,999. The Federal money has a cap of four thousand and some odd dollars for one person, \$5,000 for two people in the household unit. I think with two people in the family, having an income of \$6,000, getting nothing from the Federal government, they are surely going to need help to pay their fuel bills this winter.

Mr. President, if we were to postpone until we return after the recess, the money going to these people may not be received until the spring. I think that the low income people of our Commonwealth will need every dollar they can put their hands on this winter.

I disagree with the gentleman from Philadelphia, Senator Fumo, this can be just a little bit. If you do not have any money in your pocket, a \$10 bill is an awful lot.

Senator LINCOLN. Mr. President, I would like to interrogate someone relative to what is in House Bill No. 1407. I think it is unfortunate that we are doing this in such haste. It may very well be a good move, but I personally do not understand the bill and I do not think anyone else on the Senate floor does, and if there is someone, I sure would like to have him answer some questions.

Mr. President, the silence is frightening.

Does anybody know anything about House Bill No. 1407?

I have some questions I want to ask.

Well, I guess I will just have to be like everyone else and vote in the blind.

I do want to say that it is \$28.4 million and I have no quarrel with the statement of the gentleman from Delaware, Senator Bell, that \$10 is a lot of money when you do not have any, because I have been in that position in my life once or twice. I know an awful lot of older senior citizens in Fayette County and Somerset County and part of Westmoreland County would be happy to get \$10. I can tell you that they cannot do anything with that \$10 or that \$20 or that \$30 because they cannot get

anyplace to spend it. We have a serious problem where the area agency on aging in the southwestern part of Pennsylvania have had to cut back by fifty per cent their mini-bus transportation. When you do not have in your county a mass transit authority like you have in a lot of other counties in Pennsylvania, you cannot get anyplace to spend your money.

We have a problem with being able to get to those places to buy prescription drugs, to buy food, to get to the Meals on Wheels Program, and I am not so sure that this is going to help anybody. The \$95 is not going to get you very far and that is the maximum. If you look, it is between \$5,000 and \$6,000 that is the average income for everyone we are going to be affecting with this bill. They are going to get forty bucks. That \$40 could not get you from the airport in Pittsburgh by taxicab to downtown and back. We are spending \$28.4 million. I am telling you something, we are not going to get much for it and it is a shame.

Mr. President, I am going to vote for it because I am like everyone else, I have compassion for that senior citizen out there, but I think it is one more example of us doing something in a big hurry and not doing it right.

Senator BELL. Mr. President, I was not in the committee that processed this. I noticed that the gentleman from Philadelphia, Senator Smith, offered to answer the question. I will answer it.

If the gentleman would look at the bill on page 10, the first ten lines very clearly point out what the bill does. I am not going to take up the time of the Senate, but it says that you get certain amounts based on how much your income is. This varies from \$95 down to \$15. As far as the gentleman's remarks about taking a taxi to the airport, none of my poor people are taking taxis to airports.

Senator KUSSE. Mr. President, I share the feeling of the gentleman from Philadelphia, Senator Fumo, that there are better ways we could spend this money. My favorite would be in the area of transportation.

Mr. President, I will take advantage of this opportunity to point out to my colleagues that I do not think we should call it "rural transportation," but, rather, we should call it "non-fixed route transportation." I introduced two bills which were reported out of the Committee on Transportation and are now in the Committee on Appropriations that deal with that. I would hope that we can in the future take some action in that area because I hasten to point out non-fixed route transportation can apply to every county in the Commonwealth, not just the rural areas. We can help the urban areas and the city areas also.

Mr. President, I hope that even though we may proceed to pass House Bill No. 1407 today, that we will give consideration to that aspect of the money.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln.

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us if under the current program for property tax and rent rebate for the household income levels as stated in the proposal in

House Bill No. 1407, if those people who receive public assistance are eligible for that program?

Senator LINCOLN. Mr. President, I have many questions about House Bill No. 1407 myself. I have read it just very hurriedly hoping that I could find somebody who would be able to answer the questions here. As it is only on the second day, I have had limited opportunity to inquiries.

Mr. President, on page 7 of House Bill No. 1407, the way I read it, people on public assistance would be excluded from these inflationary grants.

Senator MELLOW. Mr. President, could the gentleman tell the Members of the Senate if he understands this to be new language that does not previously exist in the statute as it was passed by the General Assembly and signed by the Governor several years ago to set up a rent rebate and a property tax rebate for the elderly and what have you?

Senator LINCOLN. Mr. President, from my quick reading of House Bill No. 1407, I think the welfare recipient was excluded from the property tax and rent rebate by current law. I am not really sure of that. As I am reading this, I think that I interpreted it correctly.

Senator MELLOW. Mr. President, just one final question. Is it the gentleman's understanding that individuals who currently receive public assistance would not be eligible to receive the inflation adjustment, the inflation dividend that is proposed in this legislation?

Senator LINCOLN. Mr. President, I interpreted it exactly in that manner, that public welfare recipients would be excluded from this inflationary grant.

Senator SMITH. Mr. President, like any Democrat, I would be concerned at passing House Bill No. 1407. I think many of us on this side are concerned that it does not go far enough. Just let me put everyone on notice that House Bill No. 1407 will not preclude the Chairman of the Senate Committee on Appropriations from considering a bill that is now in my committee dealing with prescription drugs.

Senator LINCOLN. Mr. President, I am going to finish this very quickly, but the gentleman from Delaware, Senator Bell, made a remark about people in his district not taking taxicabs back and forth.

Well, Mr. President, I do not have an airport in my district, other than a very small one at Connellsville and one small one in Somerset, but my people in most cases, with the exception of two third class cities, do not have taxicabs, so the problem is more than just having a way back and forth, or cute remarks. The problem is we do not have transportation available. It is a very serious problem. With the \$28.4 million we are wasting on this program, we could provide something of a useful service to people and it would not take \$28 million, it would only take about \$5 million to be able to help the areas that are now really being hurt by not having money due to the high cost of gasoline and some other inflationary factors involved.

I am going to ask a question of myself, because I could not get anybody else to answer it, and I hope somebody will think about this.

Section 8 of the bill on page 13 provides when the Act shall take effect and there has been language included in there that

says "... and the inflation dividends provided for in this act shall be paid by the department on January 1, 1980 for all persons who received rent rebates or property tax assistance for the calendar year 1978."

I see two problems with that. I do not believe that anybody that qualifies for rent rebates is going to get it because of that wording. I think it is going to be restricted totally to people who got property tax rebates. I am not sure of that, but I think that is a question that has to be answered. I think it is a serious question because right now we are excluding all the renters and there are an awful lot of senior citizens who are renters.

The second problem that I see with that is, are we going to pay that \$20, \$30, \$40, \$50, \$60, \$70 in January, February, or what? Or are we going to wait and because of administrative expense of paying two checks next year, one in January or February and one in July whenever the regular rent rebate checks and property tax rebate checks are sent out?

What happens if we spend that \$28.4 million? Lo and behold, we get to the end of June next year and I know that the government officials we deal with, the bureaucrats, never make mistakes on anything they do over there, so I am not too worried about this, but I know they are always totally accurate in their approximate intake of revenues, they are always totally accurate on what they are going to spend in getting these services out to your and my constituents, but let us just suppose that one time out of a million times, they do make a mistake over there, and their projected revenues in the lottery do not quite come up to what they are saying. Maybe they are going to make one of those horrendous \$10 million or \$15 million or \$20 million mistakes that we know they do not make. All at once you do not have enough money to totally pay people who are eligible for property tax and rent rebate for this year. Do you know what happens then? Then your constituents and my constituents are going to get a letter and it is going to say that due to the fact that we do not have sufficient funds in the lottery, we are going to prorate your check. So rather than you getting \$100 that you are deserving on your property tax or your rent rebate, we are only going to give you \$80, because somewhere along the line, we have to make up for the \$20 we gave you back in January.

Mr. President, I think it is ridiculous to shove this thing down our throats without having ample opportunity to find out what is going on. It is a shame. I hope I am wrong, I hope somebody can stand up in July and say, "Bill, you were wrong, they did not make one of those mistakes they sometimes do make and we have enough money to pay people what they expect." But think about that. That is just one section I am getting some questions in my own mind.

Senator SMITH. Mr. President, I have to clarify one point. The gentleman from Fayette, Senator Lincoln, made mention that the welfare recipient is not particularly in House Bill No. 1407. But you must remember, come January 1, the welfare recipient will receive a five per cent increase. That is one of the reasons it was not incorporated in House Bill No. 1407. So the welfare recipient who would get \$2,000, five per cent would be \$100, so it would be just equivalent to what is in House Bill No. 1407. Or if the welfare recipient is receiving \$4,000, they will

receive \$200, so they are well-taken care of in our original general appropriation bill which we passed, which automatically gives the welfare recipient a five per cent increase.

Senator DWYER. Mr. President, I would just like to make an observation that this debate has hinged basically on what the bill does for senior citizens. It is often forgotten that this bill also applies to the permanently disabled, widows and widowers over fifty who are also participants in this program. I just wanted to make note of that because although senior citizens represent the biggest bulk of people that are helped by this bill; numbers-wise, it does help other people.

Senator O'PAKE. Mr. President, just by way of clarification to allay any fear that the gentleman from Fayette, Senator Lincoln, may have as to whether renters are covered or not, I think the language on page 13 is very clear that the inflation dividends shall be paid by the Department for all persons who received rent rebates or property tax assistance for the calendar year 1978. So it is not intended to apply only to those who are receiving property tax rebates.

Mr. President, I share the concern of the gentleman from Philadelphia, Senator Fumo, and the gentleman from Fayette, Senator Lincoln. I know the gentleman from Indiana, Senator Stapleton, has articulated his concern that we should be doing more to help transportation programs in non-city parts of Pennsylvania.

The fact of the matter is, this is the only measure now before us. The Administration has determined that this is the amount of money available in the lottery fund. This bill takes the approach that we should put the cash in these people's pockets and let them decide which of the priorities they have to meet, prescription drugs, transportation needs, heating oil bills, utility bills.

Mr. President, I think that since this is the only thing before us, we should adopt this and I hope the gentleman from Philadelphia, Senator Smith, would give attention to the bill in his committee that addresses the problem of prescription drug assistance.

We have been talking about this aid for months and months and months. Now is the opportunity to partially meet the need. As far as rural transportation or non-city transportation, we suggested months ago that one of the things we ought to do is to use the school buses that are empty between 9:00 a.m. and 2:30 p.m. and use those. They are already there in the non-city areas. Nothing has been done. Transportation is a very expensive item. I hope we would face it. The question is how are we going to face the issue on this bill and I think we have to adopt this bill and put this money in the pockets of the elderly and the handicapped, the disabled and do it now.

My understanding is the Department of Revenue will use the existing eligibility criteria and the existing eligibility lists and just include another check in that mailing which will be the so-called inflation discount.

Mr. President, I urge support for House Bill No. 1407.

Senator LLOYD. Mr. President, in response to the plea of the gentleman from Berks, Senator O'Pake, that we take this cash and put it in the hands of the elderly, I just have to question whether this is the most sensible way in which to take \$28 mil-

lion and spend it in one shot. The average amount that a senior citizen would receive if we spend this \$28 million this way is seventy-seven cents per week. I seriously question if that is going to have a positive impact on the senior citizens or if we should not look at providing with that \$28 million some type of ongoing service, via transportation, prescription drugs or some combination thereof, in order to provide a basic service which can be used by all senior citizens and the people that need it the most in these areas would then tend to receive it.

Mr. President, I think it is critically important that we seriously consider not spending \$28 million in such a way that will spread it so thin as to have little or no real positive impact on anyone.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

The PRESIDENT. Will the gentleman from Crawford, Senator Dwyer, permit himself to be interrogated?

Senator DWYER. I will, Mr. President.

Senator FUMO. Mr. President, am I correct in assuming that the monies for House Bill No. 1407 will be supplied by the lottery fund?

Senator DWYER. That is the way the bill was explained in the Committee on Appropriations, Mr. President.

Senator FUMO. Mr. President, am I also then correct in understanding that your statement is that for the first time then lottery fund monies would be used for people other than senior citizens?

Senator DWYER. No, Mr. President. This was the original intention of the lottery fund when it was passed in 1971 or 1972. It applied to widows over 50, the permanently disabled and senior citizens. It was later amended to include renters and in light of the Equal Rights Amendment to the State Constitution, widowers.

It has always applied to these people. I only made the point because all the publicity and advertising that comes from the Lottery Commission emphasizes to buy lottery tickets to help senior citizens and many senior citizens feel that this is their fund exclusively and I think the advertising winds up by only emphasizing senior citizens and a lot of other people who can be benefited by the program are not.

When this bill went before the Committee on Appropriations, prior to its being reported out, I raised a question as to whether or not this new inflation dividend applied to the other categories as well as senior citizens. I was told that it did apply to all categories that were covered by the rent assistance and rent rebate programs.

Senator FUMO. Mr. President, can the gentleman from Crawford, Senator Dwyer, then explain to me if this is a so-called piggyback piece of legislation tied into those programs, why on page 10 we have set up an entirely new bureaucracy and system for getting the money? On page 10 it states—excuse me, if I may, I obviously do not have the bill in front of me—that the necessary rules shall be promulgated by a committee consisting of the Secretary of Aging, Secretary of Revenue, Secretary of Community Affairs. The Secretary of Aging shall serve as the chairman of the committee. The Secretary of Revenue shall receive all applications, determine the eligibility of

claimants, hear appeals, distribute payments and make available suitable forms for the filing of claims.

This appears to me to be setting up an entirely new program rather than just some sort of inflationary increase for the benefits already being given.

Senator DWYER. Mr. President, I was concerned about this issue also and I raised the question about why have an entirely new program when we could just add to the amount of rent rebate and property tax assistance.

I was told that it will not require any new bureaucracy or any new forms. It will simply be one more button on the computer.

In answer to the gentleman's question about the language on pages 10 and 11, I would point out to you that in lines 24 through 26 which now gives the department the power to make necessary rules and regulations, that this language is deleted and the new language in the bill is to replace that old language which gives rule-making power, and basically the regulations are already made, specifically to the Secretaries of Community Affairs and Aging in addition to the Secretary of Revenue. In other words, it gives these two other departments which do have an interest in the program an input into the making of rules and regulations instead of just the Secretary of Revenue with the advice of the Lottery Commission as has previously been the case.

So there is really no new bureaucracy. What is new is input from the Secretaries of the Department of Community Affairs and the Department of Aging. This is the new change.

Senator FUMO. Mr. President, is the gentleman from Crawford, Senator Dwyer, aware of the fact that Secretary Gorham Black testified at the Committee on Aging and Youth that this bill smacks of welfare and that he opposed it?

Senator DWYER. Mr. President, I am not a member of that committee. I am not aware of his statement. I do know from meeting with Secretary Black privately and with other groups that he certainly is very concerned about the senior citizens receiving funding for transportation, paid prescriptions, the oil grants, fuel grants, many, many other things and also with inflation. I am not aware of any comment he made. I am aware of his general concerns regarding senior citizens. I do know this would give him an input into these regulations to promulgate this program.

Senator FUMO. Mr. President, I have to reiterate what I said previously when I withdrew my motion to go over temporarily on House Bill No. 1407.

There is just so much money left in the lottery fund of Pennsylvania. Certainly it is not enough to do all the things that we want to do. The gentleman from Delaware, Senator Bell, talks about \$10 in your pocket being an awful lot of money when you do not have anything and certainly I agree with that. But in today's times I do not know how many drugs \$10 would buy for a senior citizen who has diabetes or something like that that needs the maintenance drugs.

We talk about this large amount of money. The paid prescription program, which is one of the alternative things to do with this money, has been introduced in the form of Senate Bill No. 681, allows senior citizens with an income of \$9,000 joint or \$7,500 singly to get their maintenance drugs for \$2.00 a pre-

scription. Under this bill, senior citizens making \$9,000 get \$15. That would not fill one prescription.

Mr. President, when we talk about rural transportation, I agree with the gentleman from Fayette, Senator Lincoln, that that \$15 would not take you anywhere in some of the rural areas if you had to use a cab. The theory that we are going to give senior citizens this money as cash in hand—and we do not know when we are going to get it to them yet either—to let them decide if they want to buy drugs or take a ride on a bus somewhere is an unbelievable fallacy and an insult to their intelligence.

Mr. President, I want to remind my colleagues today that the senior citizens of Pennsylvania in today's day and age are not dumb. They will not be conned or fooled by some sort of alleged Christmas gift before we adjourn and take that in return for or in place of a program which would begin to speak to their needs regarding prescription drugs. They will not take that as a replacement of a program which would help them in the rural areas to get transportation.

For that reason, Mr. President, I intend to vote "no" on House Bill No. 1407. I want the record to clearly reflect why. It is not that I do not want to help senior citizens, but rather it is because I want to help them in a meaningful way. I want to help them in a way in which I think they want to be helped. I do not want to give them a \$15 gift sometime nine months from now when inflation has eaten it away and ask them then to go and possibly have one prescription filled or maybe use it once for transportation.

Mr. President, we are burying our head in the sand. We are trying to get off easy. We are not addressing the serious problems of the many thousands and thousands of senior citizens of this Commonwealth that are facing the problem this year of whether or not they are going to get through this year. By giving them anywhere from \$15 to \$95 as some sort of bonus is not going to help them one iota. It just is not going to work. We should be taking a responsible action today and deliberately considering some help for senior citizens rather than buying into this forest that no one understands and we are going to trust someone, somewhere—we do not know who yet—to implement it in a manner that we do not understand either.

Mr. President, that is the height of hypocrisy. I have been here when I have seen other hypocritical things done, but I think when we do it to the poor and to the senior citizens of this Commonwealth, we do not live up to our oaths of office to be responsible.

Senator BELL. Mr. President, I compliment the gentleman from Philadelphia, Senator Fumo, and I also compliment the gentleman from Philadelphia, Senator Smith, because he said something today that I have been wanting to hear for a long time from the Majority Party. That is, the gentleman will consider for action a prescription drug bill for the senior citizens and what the gentleman did not say, but I know he means to say, that at last we are going to spend General Fund money for the senior citizens.

If we can spend General Fund money for young people to go to college; if we can spend General Fund money for the thousand and one purposes we can spend it for, I hope I heard clear-

ly the gentleman from Philadelphia, Senator Smith, tell us, "It is time we spend General Fund money for our senior citizens and the prescription drug program" and, yes, the non-scheduled transportation system because maybe you folks in western Pennsylvania have trouble with your people getting here and there over the mountains, but I have got a lot of people in my district who live in the suburbs, they do not even know what public transportation is. They, likewise, need non-scheduled public transportation.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—47

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

#### NAYS—1

Fumo,

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

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

### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### SECRETARY OF COMMUNITY AFFAIRS

December 5, 1979.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 1, 1979, for the appointment of Ms. Shirley N. Dennis, 1656 Easton Road, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as Secretary of Community Affairs, to serve until the third Tuesday in January, 1983, and until her successor shall have been appointed and qualified, vice The Honorable William R. Davis, Greenburg.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

### NOMINATION RETURNED TO THE GOVERNOR

Senator FUMO. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

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

Senator STAUFFER. Mr. President, I notice the look of confusion on some Member's faces and I think a word of explanation might be in order.

I just would like to let the Members know that in the original submission of Mrs. Dennis, there was an error in the papers and it required a second submission. The recall that we just voted on is to dispose of the first submission which was an error. The nomination is still properly before us in the form of a second nomination.

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

The PRESIDENT. The nomination will be returned to the Governor.

### 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:

#### SECRETARY OF COMMUNITY AFFAIRS

December 5, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. Shirley M. Dennis, 1656 Easton Road, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1983, and until her successor shall have been appointed and qualified, to fill a vacancy.

DICK THORNBURGH.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### DISTRICT JUSTICE

November 13, 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 Mrs. Elverda J. Daw,

167-F Churchill Road, Wilkins Township, Turtle Creek 15145, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Class 2, District 08, to serve until the first Monday of January, 1982, vice Maurice Mysels, Pittsburgh, deceased.

DICK THORNBURGH.

**EXECUTIVE NOMINATION**

**EXECUTIVE SESSION**

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

Which was agreed to.

**CONSIDERATION OF EXECUTIVE NOMINATION**

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

**NOMINATION TAKEN FROM THE TABLE**

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

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

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

**YEAS—48**

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

**NAYS—0**

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**CONSIDERATION OF CALENDAR RESUMED**

**HOUSE CONCURRENT RESOLUTION NO. 36, CALLED UP**

Senator SCANLON, without objection, called up from page 7

of the Calendar, House Concurrent Resolution No. 36, entitled:

General Assembly memorialize Congress grant tax deductions and/or credits to industrial users of oil or natural gas who convert to coal.

On the question,  
Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 36**

Senator SCANLON. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 36.

The motion was agreed to and the resolution was concurred in.

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

**SENATE RESOLUTION, SERIAL NO. 61, CALLED UP**

Senator SCANLON, without objection, called up from page 7 of the Calendar, Senate Resolution, Serial No. 61, entitled:

Expressing opposition to regulations and rule-making practices by Federal agencies against ownership and possession of firearms for lawful purposes.

On the question,  
Will the Senate adopt the resolution?

**SENATE RESOLUTION, SERIAL NO. 61, ADOPTED**

Senator SCANLON. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 61.

The motion was agreed to and the resolution was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 87, CALLED UP**

Senator SCANLON, without objection, called up from page 7 of the Calendar, House Concurrent Resolution No. 87, entitled:

General Assembly memorialize President and Congress raise export cost of grain to oil producing countries.

On the question,  
Will the Senate concur in the resolution?

**MOTION TO CONCUR**

Senator SCANLON. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 87.

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

Senator ANDREWS. Mr. President, I would object to the consideration of House Concurrent Resolution No. 87, at the present time. This resolution deals with the world's oil producing countries, one of which is Iran, where we have fifty hostages at the present time. I do not believe it would be appropriate for this Body to do anything on this resolution until that situation is resolved.

Mr. President, I would ask if the gentleman from Allegheny, Senator Scanlon, would object if we would not consider this today?

## MOTION WITHDRAWN

Senator SCANLON. Mr. President, I have been put into some positions before, but I never thought I would be jockeyed into the position of being a supporter of the Ayatollah. Of course I have no objection to it.

Mr. President, I just wish we would know in advance that these things are going to happen.

The PRESIDENT. If there is no objection, Senator Scanlon removes his motion to consider House Concurrent Resolution No. 87, and that resolution will go over in its order.

**SENATE CONCURRENT RESOLUTION,  
SERIAL NO. 211, CALLED UP**

Senator SCANLON, without objection, called up from page 8 of the Calendar, Senate Concurrent Resolution, Serial No. 211, entitled:

Memorializing President and Congress to implore Canada to stop slaughter of infant Harp Seals.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION, SERIAL  
NO. 211, ADOPTED**

Senator SCANLON. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 211.

On the question,

Will the Senate agree to the motion?

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman if he has any figures with respect to the number of Harp Seals which are harvested each year in Canada?

Senator GREENLEAF. Mr. President, in 1977 there were 180,000; in 1978 there were 190,000.

Senator ANDREWS. Mr. President, I would ask the gentleman if he would have any figures on the value of the Seals to the economy of the Nation of Canada?

Senator GREENLEAF. Mr. President, studies have indicated that the Newfoundlanders who have performed this task really do it for fun. The people that participate in it, it takes them about six weeks and they average between \$50 to \$200 for that period of time. The economy in that area, I do not think, will be affected at all. The only people that really benefit by it are those that engage in the fur trade on an international scale since the United States does not import this pelt. Basically the pelt goes to Europe and to Japan, I believe.

Senator ANDREWS. Mr. President, if I heard correctly the gentleman said he did not know.

Senator GREENLEAF. Mr. President, I did not say that. It will have almost no effect on the economy, the local economy at all.

Senator ANDREWS. Mr. President, I thank the gentleman for his responses. I am going to vote against this resolution and

I would ask that others consider the fact that we are not here just memorializing the President and Congress to do something internally within our country but here we are urging the President and Congress to get involved with the internal affairs of another country. I do not think it is an appropriate action for the Senate of Pennsylvania to become involved with. I think that we should properly reject this resolution?

The PRESIDENT. Is the gentleman requesting a roll call vote?

Senator ANDREWS. Yes, Mr. President, I would like a roll call vote.

Senator HOLL. Mr. President, I desire to interrogate the gentleman from Lawrence, Senator Andrews.

The PRESIDENT. Will the gentleman from Lawrence, Senator Andrews, permit himself to be interrogated?

Senator ANDREWS. I will, Mr. President.

Senator HOLL. Mr. President, if there is something that is terribly wrong that we know about, is there anything wrong with this Body bringing it to the attention of the proper people, proper governmental Body and in so doing, help solve the problem?

Senator ANDREWS. Mr. President, I see that we should do that with respect to things that we see wrong in our Commonwealth or in our country, but I do not think that the Senate of Pennsylvania should be becoming involved in the foreign affairs of other countries.

Senator HOLL. Mr. President, there is certainly a deep concern on the minds of many people in Pennsylvania and throughout this Nation on matters such as this.

If it is a concern and a deep worry, many articles have been written about this, about the inhumane treatment of these innocent animals, or whatever they are. Would the gentleman, then not consider this something we should be concerned about, too?

Senator ANDREWS. Mr. President, I cannot suggest what the gentleman from Montgomery, Senator Holl, would be concerned with. I am personally not particularly concerned about it. That notwithstanding, it is the internal affairs of another Nation. Who knows what delicate international negotiations could be going on at the present time between our country and the Nation of Canada. I do not think we should become involved in an area about which we know nothing and that is the internal affairs of another country.

Senator HOLL. Mr. President, I hardly find the answer acceptable because it shows complete lack of concern about what is on the minds of our troubled citizens about which much has been written, and about which we should be concerned.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—47

Bell,	Hess,	Lynch,	Reibman,
Bodack,	Holl,	Manbeck,	Romanelli,
Coppersmith,	Hopper,	McKinney,	Ross,
Corman,	Howard,	Mellow,	Scanlon,

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

NAYS—1

Andrews,

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

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

#### SENATE CONCURRENT RESOLUTION, SERIAL NO. 220, CALLED UP

Senator SCANLON, without objection, called up from page 8 of the Calendar, Senate Concurrent Resolution, Serial No. 220, entitled:

Directing Veterans Administration conduct Nationwide search for Vietnam veterans contaminated by toxic defoliant "Agent Orange."

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION, SERIAL NO. 220, ADOPTED

Senator SCANLON. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 220.

The motion was agreed to and the resolution was adopted.

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

#### HOUSE MESSAGES

##### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on **HB 830**, which was placed on the Calendar.

#### SUPPLEMENTAL CALENDAR

##### REPORT OF COMMITTEE OF CONFERENCE

##### REPORT ADOPTED

**HB 830 (Pr. No. 2629)** — Senator SCANLON. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 830, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probation and for criminal history records.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—0

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

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

#### HOUSE MESSAGES

##### HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1261, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 1261**, and has appointed Messrs. WILT, GALLEN and BENNETT as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 118, 777 and 1108**.

##### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in Senate Concurrent Resolution, **Serial No. 222**, entitled:

Urging Governor direct Attorney General petition U. S. District Court vacate consent decree to provide time for further study of emission inspection program in Philadelphia and Southwest Pennsylvania.

#### BILLS SIGNED

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

**SB 756, 846, 882, HB 118, 777, 852, 1108, 1622, 1686 and 1997.**

#### UNFINISHED BUSINESS

##### REPORTS FROM COMMITTEES

Senator ROMANELLI, from the Committee on Urban Affairs and Housing, reported, as amended, **SB 50 and 705**.

Senator SCANLON, from the Committee on Rules and Executive Nominations, reported, as committed, **HB 1673**.

Senator REIBMAN, from the Committee on Education, reported, as amended, **SB 455**.

### BILL REREFERRED

Senator O'PAKE, from the Committee on Judiciary, returned to the Senate **HB 2000**, which was rereferred to the Committee on Appropriations.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Alex J. Ziros by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Humbert Mariani by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Ruggiero, Mr. and Mrs. David J. Davis, Mr. and Mrs. George Pribulsky, Mr. and Mrs. Charles Storm, Mr. and Mrs. Robert Hammer, Mr. and Mrs. J. F. Armstrong, Mr. and Mrs. Charles Longenecker, Mr. and Mrs. Elwood R. Knotts, Mr. and Mrs. Fitzhugh Lee Saunders, Sr., Mr. and Mrs. Curtis F. Imler, Mr. and Mrs. Nelson Glick, Mr. and Mrs. Herbert F. Garlick, Mr. and Mrs. Roy E. Owens and to Mr. and Mrs. J. C. Rosenborough by Senator Jubelirer.

### 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 WORKMEN'S COMPENSATION APPEAL BOARD

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 Patrick A. Gleason, Esquire, 1128 Confer Avenue, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Edmund J. McCullough, Esquire, Hazleton, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

December 5, 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 Dale Leroy Book, 1218 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third

Tuesday of January, 1985, and until his successor is appointed and qualified, vice Mrs. Betty Jan Eyler, Mifflinburg, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

December 5, 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 Mrs. Jane B. Troup, R. D. 2, Mazeppa, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Mrs. Dorothy Hess Schnure, Lewisburg, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF PHILADELPHIA STATE HOSPITAL

December 5, 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 Mrs. Anne S. Wise, 6606 North Seventh Street, Philadelphia 19126, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Richard H. Harmon, Fort Washington, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF SELINSGROVE CENTER

December 5, 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 Orlando C. Scopelliti, 1501 West Mulberry Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selinsgrove Center, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Mrs. Arvella Gaetz Doyle, Mifflinburg, resigned.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF SELINSGROVE CENTER

December 5, 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 Robert Marlin Singer, R. D. #3, Box 278, Selinsgrove 17870, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selinsgrove Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Mrs. Anna Keister, New Berlin, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

December 5, 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 Mrs. Lois Little, 918 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice John Zarkoski, Kulpmont, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
SOMERSET STATE HOSPITAL

December 5, 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 Mrs. Wanda B. Fetzko, 758 Lohr Street, Central City 15926, Somerset County, Thirtieth Senatorial District, for appointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Simon K. Uhl, Somerset, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE TRANSPORTATION  
COMMISSION

December 5, 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 Paul C. Heintz, Esquire (Republican), 269 Booth Lane, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for six years and until his successor shall have been appointed and qualified, pursuant to Act 192, approved October 4, 1978.

DICK THORNBURGH.

MEMBER OF THE STATE TRANSPORTATION  
COMMISSION

December 5, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank D. O'Reilly, Jr. (Democrat), 115 West Water Street, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, for appointment as a member of the State Transportation Commission, to serve for six years and until his successor shall have been appointed and qualified, pursuant to Act 192, approved October 4, 1978.

DICK THORNBURGH.

DISTRICT JUSTICE

December 5, 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 Dan Anderson, 1024 Stoneville Street, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Class 2, District 34, to serve until the first Monday of January, 1982, vice Walter Wilson, deceased.

DICK THORNBURGH.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 50, 408, 455, 705, HB 367, 735, 805 and 1673.**

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

PETITIONS AND REMONSTRANCES

Senator MCKINNEY. Mr. President, I rise to make a brief statement and extend an invitation. The Committee on State Government will be meeting on Friday, December 7, with the members of the New Jersey Gaming Commission and members of representative industries and the Chamber of Commerce on Senate Bill No. 318, also known as the Casino Gambling Bill.

Mr. President, I also extend an invitation to any Members of the Senate who happen to be in the vicinity at the time to join us at 10:00 a.m. on Friday morning.

RECESS

Senator SCANLON. Mr. President, at this time, I move that the Senate stand in recess pending the receipt of certain documents from the House of Representatives.

The PRESIDENT. At the request of Senator Scanlon, the Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

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

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on HB 1261, which was placed on the Calendar.

**SUPPLEMENTAL CALENDAR**

**REPORT OF COMMITTEE OF CONFERENCE**

**REPORT ADOPTED**

**HB 1261 (Pr. No. 2633)** — Senator SCANLON. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1261, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; \* \* \*, and repealing certain acts and parts of acts relating to elections," further providing for campaign finances and providing for certain refunds.

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

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

**YEAS—48**

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

**NAYS—0**

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

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

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 825** and **826**, with the information that the House has passed the same without amendments.

**BILLS SIGNED**

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

**SB 825, 826, HB 830 and 1261.**

**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.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**TUESDAY, DECEMBER 11, 1979**

10:00 A.M. INSURANCE (to consider Senate Majority  
Senate Bills No. 511, 513, Caucus Room  
514, 515 and 529)

**WEDNESDAY, DECEMBER 12, 1979**

9:30 A.M. INSURANCE (Public Hear- 902  
ing on Senate Bill No. Five Penn  
937) Center Plaza,  
Philadelphia, PA

10:00 A.M. C O N S T I T U T I O N A L Senate Majority  
C H A N G E S A N D F E D E R - Caucus Room  
A L R E L A T I O N S (to con-  
sider the views of local  
governments on the pro-  
posed constitutional  
amendment to limit State  
and local government  
spending)

**FRIDAY, DECEMBER 14, 1979**

9:00 A.M. Special Senate Committee Philadelphia City  
to on Municipal Pensions Council  
4:00 P.M. (Public Hearing) Chambers,  
Philadelphia, PA

**ADJOURNMENT**

Senator SCANLON. Mr. President, I move that the Senate do now adjourn until Tuesday, January 1, 1980, at 11:30 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 6:45 p.m. Eastern Standard Time.