

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 26, 1980

Session of 1980

164th of the General Assembly

Vol. 2, No. 12

SENATE

TUESDAY, February 26, 1980.

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

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

PRAYER

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

Again this afternoon I would like to offer a reading from the Book of Sirach.

My son, when you come to serve the Lord, prepare yourselves for trials.

Be sincere of heart and steadfast, undisturbed in time of adversity.

Cling to Him, forsake Him not; thus will your future be great.

Accept whatever befalls you, in crushing misfortune, be patient;

For in fire gold is tested, and worthy men in the crucible of humiliation.

Trust God and He will help you; make straight your ways and hope in Him.

You who fear the Lord, wait for His mercy, turn not away, lest you fall.

You who fear the Lord, trust Him, and your reward will not be lost.

You who fear the Lord, hope for good things, for lasting joy and mercy.

Study the generations long past and understand; has anyone hoped in the Lord and been disappointed?

Has anyone preserved in His fear and been forsaken? Has anyone called upon Him and been rebuffed?

Compassionate and merciful is the Lord; He forgives sins, He saves in time of trouble. Amen.

JOURNAL APPROVED

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

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

SENATOR SCANLON TO VOTE FOR SENATOR ZEMPRELLI

Senator SCANLON. Mr. President, I ask for a temporary legislative leave of absence for Senator Zemprelli.

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

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:

Weekly Adjournment.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

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

February 26, 1980.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 1, 1980 through February 25, 1980 for the 164th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELL, JR.
Secretary of the Senate

CHARLES F. MEBUS
Chief Clerk
House of Representatives

(See Appendix for complete list.)

BILLS INTRODUCED AND REFERRED

Senators ROMANELLI, ZEMPRELLI, MURRAY, SCANLON, LEWIS, REIBMAN, SCHAEFER, GEKAS, BODACK, ROSS, PECORA, SMITH, FUMO, O'PAKE, MELLOW and PRICE presented to the Chair SB 1273, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Assistance Law of 1967," further providing for funding grants to mass transit operators.

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

Senator BELL presented to the Chair **SB 1274**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," changing the definition of the term "claimant."

Which was committed to the Committee on Finance.

Senators MOORE, MANBECK, PRICE, GEKAS and HOPPER presented to the Chair **SB 1275**, entitled:

An Act amending the act of December 2, 1968 (P. L. 1144, No. 358), entitled "Public Defender Act," providing for immunity for the public defender, assistant public defenders and court appointed attorneys from civil liability.

Which was committed to the Committee on Judiciary.

Senators EARLY, ZEMPRELLI, ROSS, BELL, BODACK, GURZENDA, ROMANELLI, FUMO, LINCOLN, SCANLON, ORLANDO, LLOYD, STOUT, COPPERSMITH, REIBMAN, McKINNEY, LEWIS, SCHAEFER, HANKINS and LYNCH presented to the Chair **SB 1276**, entitled:

An Act authorizing the establishment and implementation of a legislative awareness program for older Pennsylvanians by the Pennsylvania Council on Aging and making an appropriation.

Which was committed to the Committee on Aging and Youth.

Senator EARLY presented to the Chair **SB 1277**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, adding provisions relating to a Fire and Safety Commissioner and making an appropriation.

Which was committed to the Committee on State Government.

SENATE CONCURRENT RESOLUTION

RETURNING SB 316 TO THE COMMITTEE OF CONFERENCE

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

In the Senate, February 26, 1980.

RESOLVED (the House of Representatives concurring), That Senate Bill No. 316, Printer's No. 1579, entitled "An act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled 'An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the

redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except a county of the first class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," be recommitted to the Committee on Conference for further consideration.

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

RECESS

Senator SCANLON. Mr. President, I request a recess of the Senate until 2:30 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:30 p.m., Eastern Standard Time.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS

COMMUNICATIONS 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, communications from His Excellency, the Governor, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE GENERAL HOSPITAL

February 19, 1980.

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 January 28, 1980, for the appointment of Lenora G. Dowdell, 73 Francis Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, as a member of the Board of Trustees of Connellsville State General Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Louis P. Santone, Connellsville, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF HAVERFORD STATE HOSPITAL

February 19, 1980.

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 January 28, 1980, for the appointment of W. William Nagle, M.D., 6 Preston Road, Media 19063, Delaware County, Ninth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Myron H. Bortnicker, Havertown, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE STATE LOTTERY COMMISSION

February 6, 1980.

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 January 27, 1980, for the appointment of Murray G. Dickman (Republican), 2211 Southfield Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the State Lottery Commission, to serve until October 19, 1980 and shall not continue to hold office until a successor is appointed and qualified, vice James L. Fleming, Pottsville, resigned.

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

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

February 11, 1980.

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 January 28, 1980, for the appointment of Earl Hord, 102 Elena Court, Thirty-eighth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1984, and until his successor shall be duly appointed and qualified, vice Authur B. Pisula, Pittsburgh, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
RETREAT STATE HOSPITAL

February 6, 1980.

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 January 28, 1980, for the appointment of Richard Glanton, 227 Delancey Street, Philadelphia 19106, Philadelphia County, First Senatorial District, as a member of the Board of Trustees of Retreat State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Anthony J. Sobeski, West Pittston, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
RETREAT STATE HOSPITAL

February 6, 1980.

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 January 28, 1980, for the appointment of Ms. Maria Keating, 1108 North Second Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Retreat State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Hon. Edward F. Burns, Plymouth, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
RETREAT STATE HOSPITAL

February 6, 1980.

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 January 28, 1980, for the appointment of Walter Plosila, 6351 Lyters Lane, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Retreat State Hospital, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Frank Slaff, Wilkes-Barre, resigned.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
RETREAT STATE HOSPITAL

February 6, 1980.

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 January 28, 1980, for the appointment of Robert S. Ross, Jr., 323 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Retreat State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Nicholas C. Mauriello, Exeter, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE

February 11, 1980.

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 January 18, 1980, for the appointment of Richard B. Tillson (Republican), 1515 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Lancaster County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and

qualified, vice Ms. Joanne Gollatz, Lancaster, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

February 19, 1980.

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 January 27, 1980, for the appointment of Allen Winfield Boyer (Republican), 817 Parkridge Drive, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1980, and until his successor is duly appointed and qualified, vice Mrs. Catherine M. Adams, Folcroft, resigned.

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

DICK THORNBURGH.

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator FUMO. Mr. President, I ask that the communication from His Excellency, the Governor, recalling the nomination of Arnold Bierman, O.D., as a member of the State Board of Optometrical Examiners, which was previously laid on the table, be lifted from the table.

The Clerk read the communication as follows:

MEMBER OF THE STATE BOARD OF
OPTOMETRICAL EXAMINERS

February 12, 1980.

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 October 23, 1979, for the appointment of Arnold Bierman, O.D., 108 Crestwood Drive, Lansdale, Montgomery Township 19446, Montgomery County, Twelfth Senatorial District, as a member of the State Board of Optometrical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Doctor Gerald B. M. Stein, State College, whose term expired.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

Senator GREENLEAF. Mr. President, I oppose the motion for the recall of Dr. Arnold Bierman and I would ask a "no" vote on that recall.

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

The motion was agreed to.

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

JUSTICE, SUPREME COURT OF PENNSYLVANIA

February 6, 1980.

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 Bruce W. Kauffman, Esquire, 1645 Waverly Road, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania to serve until the first Monday of January 1982, vice The Honorable Louis L. Manderino, Deceased.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
ASHLAND STATE GENERAL HOSPITAL

January 28, 1980.

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 Arthur Bohard, 219 South Center Street, Frackville 17931, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Ashland State General Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Peter J. Swoboda, Frackville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS

January 28, 1980.

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 Clinton J. Jim Leiby (Auctioneer), 1541 North 19th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve until July 12, 1981, and until his successor is appointed and qualified, vice Arden Merback, Dresher, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

November 8, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Bowerman (Barber), 405 Park Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of

the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Thomas C. Bigler, Chambersburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

November 9, 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 L. Keene (Barber), 113 West Pine Street, Box 52, Boalsburg 16827, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Leroy D. Cameroni, Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Stanley Thomas, 5315 Locust Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE CONSERVATION
COMMISSION

January 27, 1980.

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 Amos H. Funk (Farmer Member), R. D. #1, Millersville 17551, Lancaster County, Twenty-eighth Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 1981, and until his successor is appointed and qualified, vice R. L. Adamson, Rea, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL

January 28, 1980.

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 Victor S. Jaczun, 728 East Creamry Road, R. D., Perkasio 18944, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Leonard Newman, Levittown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
EMBREEVILLE STATE HOSPITAL

January 28, 1980.

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. Sue Cunningham, 406 Mount Pleasant Avenue, Ambler 19002, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville State Hospital, to serve until the third Tuesday of January, 1981, and until her successor is appointed and qualified, vice Mrs. Norma P. Jacob, Kennett Square, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
HARRISBURG STATE HOSPITAL

January 7, 1980.

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. Jacquelyn M. Patton, 213 South Thirty-first Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice James O. Whittaker, Ph.D., Camp Hill, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL

January 27, 1980.

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 W. Russell Faber, 621 South 20th Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1981, and until his successor is appointed and qualified, vice Joseph C. Sweigart, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
HAVERFORD STATE HOSPITAL

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John H. Little, 160 Marple Road, Haverford 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Robert S. Rebalsky, Wayne, whose term expired.

DICK THORNBURGH.

MEMBER OF THE INDUSTRIAL BOARD

January 27, 1980.

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. Carol M. Fitzgerald, 201 Rex Avenue, Philadelphia 19118, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1983, and until her successor shall have been appointed and qualified, vice Mrs. Ivy Bernice Lee, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE INDUSTRIAL BOARD

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Arnold Satz, (Public Member), 311 Sumner Avenue, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Howard Grabert, Boyertown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
LANDSCAPE ARCHITECTS

January 27, 1980.

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 Frederick J. Mummert (Landscape Architect), 5400 Dwight Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for re-appointment as a member of the State Board of Landscape Architects, to serve until July 12, 1981, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
MANSFIELD STATE COLLEGE

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward William Mathews, Jr., 24 West Bishop Hollow Road, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a student member of the Board of Trustees of Mansfield State College, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Susan Anita Heaney, Ottsville, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
MAYVIEW STATE HOSPITAL

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Burke, 1062 Thornwood Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1983, and until his successor is

appointed and qualified, vice Mrs. Agnes Elish, Canonsburg, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF MOTOR VEHICLE
MANUFACTURERS, DEALERS AND SALESMEN

January 28, 1980.

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 J. Habeeb (Motor Vehicle Salesman), 817 Griffin Pond Road, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until March 7, 1981, and until his successor is appointed and qualified, vice Anthony J. Erme, Sharpville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 28, 1980.

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 Mitchell (Non-commissioned Police Officer), 1291 Scott Street, Wilkes Barre 18705, Luzerne County, Fourteenth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1981, and until his successor is appointed and qualified, vice Sgt. Anthony R. Scarnulis, Wilkes-Barre, resigned.

DICK THORNBURGH.

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 28, 1980.

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 Walter Weiner, Box 55A, R. D. #1, Osceola 16942, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1981, and until his successor is appointed and qualified, vice Neil J. Welch, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNHURST CENTER

January 21, 1980.

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 Sargio J. DeMichiel, Saginaw Road, New London 19360, Chester County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Pennhurst Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Irving Kosmin, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNHURST CENTER

January 18, 1980.

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 Vincent J. Fitzpatrick, 1571 Jarrettown Road, Dresher 19025, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Board of Trustees of Pennhurst Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John C. Pankratz, D.P.M., 1524 Conneaut Lake Road, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice John N. Petrus, D.S.P., Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA BOARD OF
PSYCHOLOGIST EXAMINERS

January 28, 1980.

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 Theodore C. Lewandowski, ABD, (Teaching), 1115 Cobbs Street, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Pennsylvania Board of Psychologist Examiners, to serve until December 24, 1982, and until his successor is appointed and qualified, vice Jerome H. Resnick, Ph.D., Elkins Park, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Titus, Box 174, Washington Street, Jefferson 15344, Greene County, Forty-sixth Senatorial District for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SHAMOKIN STATE GENERAL HOSPITAL

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate

for the advice and consent of the Senate William Wallish, 5 South Rock Street, Shamokin 17872, 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 his successor is appointed and qualified, vice Robert E. Mallick, Shamokin, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

January 21, 1980.

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. Ethel D. Butterfield, R. D. #6, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Mrs. Gertrude G. Gobbel, Gettysburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

January 21, 1980.

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 F. Chalfant, 136 Clayton Avenue, Waynesboro 17268, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice the Honorable John A. MacPhail, Gettysburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

January 25, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John L. Grove, 171 Apple Drive, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Sister Irma Catherine Leicht, McSherrystown, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS STATE SCHOOL OF
TECHNOLOGY

January 28, 1980.

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 Harry J. Lueders, 744 Robin Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1985, and

until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS STATE SCHOOL OF
TECHNOLOGY

January 28, 1980.

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 H. Glenn Nelson, 419 Arrowhead Drive, Lititz 17543, Lancaster County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice William R. Oakwood, Willow Street, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS STATE SCHOOL OF
TECHNOLOGY

January 28, 1980.

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 Lawrence M. Thompson, 396 Blossom Hill Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Douglas S. Trower, Lancaster, whose term expired.

DICK THORNBURGH.

DISTRICT JUSTICE

January 25, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Swearingen, 1226 Round Top Street, Pittsburgh 15205, Allegheny County, Forty-second Senatorial District, for appointment as District Justice in and for the County of Allegheny, Class 2, District 43, to serve until the first Monday of January, 1982, vice Richard P. Herman, Terminated.

DICK THORNBURGH.

DISTRICT JUSTICE

February 4, 1980.

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 Kenneth W. Seamans, 272 Main Street, New Milford 18834, Susquehanna County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Susquehanna, Class 3, District 02, to serve until the first Monday of January, 1982, vice George H. Stover, New Milford, resigned.

DICK THORNBURGH.

DISTRICT JUSTICE

February 19, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John D. Geibel, 576 South Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as District Justice in and for the County of McKean, Class 3, District 3, to serve until the first Monday of January, 1982, vice Joseph J. Frampton, retired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNSYLVANIA STATE UNIVERSITY

January 27, 1980.

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 Harry Boyer, 904 Rose Street, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1982, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNSYLVANIA STATE UNIVERSITY

January 23, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William K. Ulerich, 724 South Second Street, Clearfield 16830, Clearfield County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1982, and until his successor is appointed and qualified.

DICK THORNBURGH.

RECONSIDERATION ON RECALL OF
NOMINATION OF DR. ARNOLD BIERMAN

Senator GREENLEAF. Mr. President, I move to reconsider the vote by which the nomination of Dr. Arnold Bierman, as a member of the State Board of Optometrical Examiners, be returned to His Excellency, the Governor, was approved.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I would ask that we defeat this motion. We have already reconsidered this nomination last week and held it until this week. I would ask for a "no" vote on the motion to reconsider.

And the question recurring,

Will the Senate agree to the motion?

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

Senator ZEMPRELLI. May we be at ease, Mr. President?

The PRESIDENT. There is nothing in order at this time but the calling of the roll.

Senator STOUFFER. Mr. President, could we strike the roll and be at ease for a moment?

The PRESIDENT. There is nothing in order at this point but the calling of the roll.

POINT OF ORDER

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

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

Senator ROMANELLI. Mr. President, would you have the gentleman restate his motion?

The PRESIDENT. The Chair has stated the motion several times. The motion before the Senate is: Will the Senate reconsider the vote by which the nomination of Arnold Bierman was returned to the Governor.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—35

Andrews,	Hankins,	Loeper,	Reibman,
Bell,	Hess,	Manbeck,	Scanlon,
Coppersmith,	Holl,	McKinney,	Schaefer,
Corman,	Howard,	Messinger,	Smith,
Dwyer,	Jubelirer,	Moore,	Snyder,
Gekas,	Kelley,	O'Connell,	Stapleton,
Greenleaf,	Kusse,	Orlando,	Stauffer,
Gurzenda,	Lewis,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	

NAYS—12

Bodack,	Lincoln,	Murray,	Ross,
Early,	Lynch,	O'Pake,	Stout,
Fumo,	Mellow,	Romanelli,	Zemprelli,

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

And the question recurring,

Will the Senate agree to the motion that the nomination of Arnold Bierman be returned to His Excellency, the Governor?

Senator ZEMPRELLI. Mr. President, the apparent confusion is on the reconsideration of this nomination. After the roll call was commenced, it was brought to my attention that this is the second time there has been a request for reconsideration of the

roll call with respect to this candidate. For that reason, Mr. President, I had asked certain Members of my caucus who had not already voted to vote in the negative on the request for reconsideration not believing that I would be in violation of any courtesy allowing a reconsideration on any vote before this Senate.

Mr. President, I believe I was proper in and probably contributed to some of the confusion with respect to the roll call vote. It is my understanding, Mr. President, that before us now is the actual matter of the reconsideration of the recall, the request for the honoring of the recall of the Governor.

Mr. President, am I right in that assumption?

The PRESIDENT. The question before the Senate is: Will the name of Arnold Bierman be returned to the Governor?

Senator ZEMPRELLI. Mr. President, then my request to all of the Members of the Senate and particularly to the Democratic caucus would be that they vote affirmatively on the issue now before the Senate, which would in effect be to honor the Governor's recall.

Senator GREENLEAF. Mr. President, I would like to have a roll call on that vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—37

Andrews,	Howard,	McKinney,	Scanlon,
Bodack,	Kelley,	Mellow,	Schaefer,
Coppersmith,	Kusse,	Messinger,	Smith,
Early,	Lewis,	Murray,	Snyder,
Fumo,	Lincoln,	O'Pake,	Stapleton,
Gekas,	Lloyd,	Orlando,	Stauffer,
Gurzenda,	Loeper,	Reibman,	Stout,
Hager,	Lynch,	Romanelli,	Tilghman,
Hankins,	Manbeck,	Ross,	Zemprelli,
Hess,			

NAYS—10

Bell,	Greenleaf,	Moore,	Pecora,
Corman,	Holl,	O'Connell,	Price,
Dwyer,	Jubelirer,		

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

The PRESIDENT. The nomination of Arnold Bierman will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FUMO.

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATIONS TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Bruce W. Kauffman, Esquire, as Justice of the Supreme Court of Pennsylvania.

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

Senator KELLEY. Mr. President, I believe we are faced with a dilemma here today on the confirmation of Bruce W. Kauffman for the Supreme Court of the Commonwealth. I first and foremost want to establish that last year when this nominee was before us for the same position, I wholeheartedly supported his confirmation on the basis of his qualifications.

Indeed, he testified before the Senate Committee on Judiciary at the time, "Courts must interpret the law and order enforcement of all constitutional statutes. Courts must not attempt to be super-legislative bodies, seeking to enact law or to thwart politics adopted by the Legislature. The Legislature makes the law and the Courts interpret the law and the Executive enforces the law."

Mr. President, I believe we should all take a great deal of satisfaction in knowing there is a good fundamentalist who aspires now and is before us for confirmation to the Court.

The dilemma, Mr. President, I believe, is the fact that last year when the gentleman was before us, he went before the voters and did not receive the endorsement of either political party to which he sought the nomination. Now it is a dilemma in this sense. The public policy of the Commonwealth is to elect judges and justices and yet, neither political party embraced his candidacy. Now there is another opening and he is before us again.

Mr. President, I guess what I am suggesting is if we vote in the affirmative, that we are not, in fact, embracing what his nomination last year represented, and that is "the merit selection process," because I happen to believe he is eminently qualified regardless of the fact that he may or may not have come before us on this nomination on merit selection.

Indeed, last year the merit selection process was dealt a severe blow and I believe we should take great heart and confidence in that.

Today, however, I wholeheartedly support the confirmation of Bruce W. Kauffman but not because of merit selection but because I know from examination that he is eminently qualified. I commend the Governor for making this nomination to us.

Mr. President, maybe there is no dilemma for us. The point being, Mr. President, that we must be mindful of what happened last year and because this same nominee is before us for the same position this year. Our confirmation of this nominee is not an embracement, at least, in my judgment, of the merit

selection process. In that regard, there is a dilemma of sorts. We must make a choice.

Mr. President, I urge my colleagues to vote in the affirmative.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nominations reported from committee today and previously read by the Clerk for Robert L. Keene, as a member of the State Board of Barber Examiners; and John C. Pankratz, D.P.M., as a member of the State Board of Podiatry Examiners. I ask for a negative vote from our caucus.

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

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

YEAS—21

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

NAYS—26

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

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

Mr. President, I also call from the table for consideration the nominations of Anthony P. Alfano and Robert V. Vavro, as members of the State Board of Barber Examiners; and Edward Lee Cercone, D.S.C., and Michael R. Marino, D.P.M., as members of the State Board of Podiatry Examiners.

These nominations were previously laid on the table.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

November 8, 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 Anthony P. Alfano (Barber), 1532 Second Avenue, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

November 23, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert V. Vavro (Barber), 221 Glen Caladh Street, Pittsburgh 15207, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward Lee Cercone, D.S.C., 1107 Windmill Lane, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

October 23, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael R. Marino, D.P.M., 940 Washington Road, Pittsburgh, 15228, Allegheny

County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice John B. Snow, D.P.M., Harrisburg, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

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

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.

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:

Returning SB 316 to the Committee of Conference.

CALENDAR

REPORTS OF COMMITTEE OF CONFERENCE

BILL RECOMMITTED TO COMMITTEE
OF CONFERENCE

SB 316 (Pr. No. 1579) — Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 316 be recommitted to the Committee of Conference for the purpose of further consideration, pursuant to resolution adopted.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Senator LEWIS. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, this Senate earlier today, and according to the Clerk's report, the House just a few moments ago, adopted a concurrent resolution, the language of which as I understood it was to implement the return of this bill to the Committee of Conference. Is the motion made by the Majority Leader necessary or in order at this time in light of that concurrent resolution?

The PRESIDENT. It is both necessary and in order.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. Senate Bill No. 316 is recommitted to the Committee of Conference.

BILL OVER IN ORDER

SB 915 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

REMARKS BY MAJORITY LEADER RE BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Senator ZEMPRELLI. Mr. President, so the Members of the Democratic caucus understand, we have spoken in terms of nonconcurrence. We have in the past made a motion with respect to nonconcurrence. In a discussion with certain Members of the Senate, it is believed that the proper motion should be one in the affirmative. In effect, what we are doing, the motions I will make with respect to the bills that are to be considered on concurrence today, will be in the form of a request to concur.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease).

Senator ZEMPRELLI. Mr. President, then if the Majority requests and makes a motion to concur, those who would concur would vote affirmatively. Those who would nonconcur would vote negatively. To simplify the requests of the Majority, I would suggest to the Members of the Democratic caucus that as a result of our caucus, every vote on Bills on Concurrence in House Amendments beginning with the first bill on the bottom of page 1 through Senate Bill No. 764 will be negative votes. There will be no affirmative votes according to caucus action with respect to the motions that I will make on concurrence.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 65 (Pr. No. 1505) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 65, and ask for a negative vote.

On the question,

Will the Senate agree to the motion?

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

YEAS—5

Bell,	Howard,	Price,	Tilghman,
Greenleaf,			

NAYS—43

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

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

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

SB 188 (Pr. No. 1553) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 188, and ask for a negative vote.

On the question,

Will the Senate agree to the motion?

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

YEAS—0

NAYS—48

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

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

Senator ZEMPRELLI. Mr. President, I request that a Committee of Conference be appointed.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 274 (Pr. No. 1510) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 274, and request an affirmative vote.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

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.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 544 (Pr. No. 1575) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 544, and ask for a negative vote.

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

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

YEAS—2

Greenleaf,	Hess,
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NAYS—46

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

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

Senator ZEMPRELLI. Mr. President, I request that a Committee of Conference be appointed.

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

SB 764 (Pr. No. 1515) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 764, and ask for a negative vote.

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

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

YEAS—0

NAYS—48

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

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

Senator ZEMPRELLI. Mr. President, I request that a Committee of Conference be appointed.

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

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 1201 (Pr. No. 1479) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, Senate Bill No. 1201 would appropriate \$200,000 to the Fayette County Commissioners for the operation of the Great Meadows Amphitheater. I would like to give a little bit of background on the amphitheater and some of the activities that are going to be taking place in this particular area which is high in historical value.

First, let me give you the geographic background. The amphitheater is located in Morton Township in Fayette County, which is very close to the Federal park where the beginning of the French and Indian War started. It is very close to Ohiopyle State Park. It is an area that has very recently been developed for tourism. The State Park at Ohiopyle itself in 1978, the last year where figures were available, had over 1.1 million people, and over 110,000 people took advantage of the commercial rafting that takes place at the Youghiogheny River.

You say, why should the Commonwealth of Pennsylvania appropriate \$200,000 of its taxpayers' dollars for something in Fayette County?

There is a uniqueness to this amphitheater. It is the only one in the State. It is going to put us in a position where we are going to be able to compete with Ohio and West Virginia, two neighboring States, who already have amphitheaters which are actively participating in dramas. West Virginia, a State not

known for its wealth, appropriates \$100,000 annually to the operation of theirs. The State of Ohio appropriates \$200,000 for its particular operation, which is in southern Ohio.

We are projecting there will be 40,000 people who visit this particular amphitheater this summer running from June 20, 1979 to August 30, 1979, during a production called "The Young Washington."

One of the reasons why the county needs this money, the first year and the first year only, is there is an awful lot of cost in promoting this and there is no sense in having it unless you are going to promote it and actively pursue people to come into the area.

With the projection of 40,000 people taking advantage of this, information received from the United States Travel Data Center estimates that each person will spend \$57 per day while visiting the area. This \$57 a day, multiplied by the 40,000 people, comes out to approximately \$2,280,000, and I think that is a pretty good return on a \$200,000 investment.

There will be professional people hired, Mr. President, to perform so it is going to be on a level of competency that you will enjoy watching. It is something that is going to tie in well with the other historical values in the area.

Mr. President, I would just like to give you some of the costs to the county. For labor cost for the production alone it is over \$107,000. For the props and everything that are needed, it is \$56,000. Administrative salaries and expenses for the project at the amphitheater are projected at \$175,000 annually, Of course, there is postage, shipping charges, the whole bit, and everything else that goes into it.

Mr. President, we are hopeful we are going to receive approximately \$239,000 in revenue from ticket sales. In subsequent years, the sale of tickets is going to, hopefully, even out with the cost of the operation. It is one year, it is a project the State has built, GSA money was used, it was turned over to Fayette County which is a small county. I think the \$200,000 is well spent and would very much appreciate support for the passage of this bill.

Senator HAGER. Mr. President, I guess it will come as no surprise to the Members of this Chamber that I will oppose this special appropriation, this non-preferred appropriation for a brand new category of gifts from the General Assembly of the people's money to other people. I have been opposing on previous occasions special appropriations for County Associations for the Blind or for some other charitable matter and I shall continue to do that.

I think that we kid ourselves when we think we are being charitable by giving away somebody else's money.

Mr. President, I understand the allure of this for the gentleman from Fayette, Senator Lincoln. He and I have discussed it; he knows the reasons for my objection to it. One of the reasons, very frankly, is when one person does this, immediately other Members of the General Assembly figure "Well, if the General Assembly is giving money to the gentleman from Fayette, Senator Lincoln for the gentleman's special project, then they ought to give it to me for mine. If I do not do it, my people will be mad at me for not doing my job."

Mr. President, I, frankly, do not think that is our job. We are

not grantsmen of the peoples' money to whatever we can get it for in our districts.

Mr. President, I will oppose Senate Bill No. 1201 on those grounds and on those grounds alone, and I will ask others to join with me in voting "no" on this appropriation.

Senator BELL. Mr. President, in Delaware County there is Rose Tree Amphitheater. It is run by the County Council. It also has performances not only on weekends but practically every night during the summer. It is in an historical location, immediately adjacent to U.S. 1, and readily accessible to all parts of historical southeastern Pennsylvania. If this bill were to pass I think I would want my little piece of the sugar. Therefore, I am going to vote "no." I would rather send the gentleman from Fayette, Senator Lincoln, this \$200,000 in the form of medical prescriptions for senior citizens.

Senator SNYDER. Mr. President, to quote the words of the eminent gentleman from Westmoreland, Senator Kelley, "This is a dilemma."

Mr. President, I think I must vote "no" on this and yet it is without any prejudice to amphitheaters or to the dramatic productions they plan there and certainly no prejudice against Fayette County or the able Senator from that county. I think the danger in this is that we enter into a completely new field in these special appropriations. We have been doing some in the fields of education and health, as we all know. Even those would deserve to be organized and to put under a policy that I think the Legislature as a whole ought to adopt.

As the gentleman from Lycoming, Senator Hager, said, this is the type of legislation that puts every Member at the mercy of every other Member in a way. I, too, have an amphitheater in my county and a very fine one. I think the moment we pass something like this, we are all somewhat under the gun to do the same thing for our areas.

Mr. President, I think that should this bill pass—I think some of us should vote against it—it does set a completely new precedent in recent times.

Senator KELLEY. Mr. President, I, too, have had the general practice predating the activities of the Minority Leader in voting against most non-preferreds. My understanding of the facts and circumstances leading up to Senate Bill No. 1201 is very unique and there is a valid distinction between it and what the gentleman from Delaware, Senator Bell, and what the gentleman from Lancaster, Senator Snyder, say about their amphitheaters. That is, that the Commonwealth is the one that constructed this amphitheater. It is right next to a Federal park, that is for necessity.

Mr. President, I believe it is incumbent on a one-shot proposition where the Commonwealth failed to complete its job on this amphitheater to do so. I think in terms of what was done by this Commonwealth and we are still in a dilemma, attempting to get rid of a museum that the Commonwealth built and does not know what to do with in the City of Philadelphia.

Mr. President, we have a dilemma with the gentleman's property in the County of Lancaster where we had a possible loss in the railroad museum equipment into millions of dollars through tax credit that we legislated to preserve and protect.

Mr. President, I do believe there are times and circumstances

peculiar circumstances that require us to deviate from the norm. In this particular case I think there are circumstances that justify an affirmative vote for this, even though many of us are opposed, generally, to non-preferreds in specific instances like this. The facts are different, Mr. President, and justify an affirmative vote and I urge it.

Senator LINCOLN. Mr. President, I appreciate the concern for going into new areas for non-preferred appropriations.

I served in the Body on the other side of this building for six years and I have heard all the arguments for and against non-preferreds that could possibly exist.

Mr. President, I think the bottom line, in this issue as any other issue that deals with appropriating State funds, is not whether or not you are opposed or for non-preferreds appropriations, but what are the benefits going to be from the dollars that you are appropriating.

Mr. President, I think without question that the benefits from this \$200,000 appropriation can be argued that they will be as well spent or better spent as any of the non-preferred monies that we have appropriated in this year's budget and the past years' budgets.

Mr. President, I want to say I am not going to stand here like others and say that I cried about the non-preferreds—I have looked at them and I have been dismayed at times—but I understand in each district, in each part of this Commonwealth, there are different needs and different wants. I have, for the seven budgets that I have been a party to in this capacity that I serve in, have voted for all non-preferred appropriations. There have been times when I could have been a hero and could have stood at the microphone and criticized and brought out all the reasons why we should not be doing that. In the past I have chosen not to do that and I probably will choose not to do that in the future. I think we have somewhat of an obligation to all portions of the State.

This is one time that I am standing before you asking for the support for my immediate area and also for support of something that is going to have a definite effect on all of the Commonwealth. We do have a tremendous number of visitors coming into the area because of some other scenic and historic parks that are located in the area. We have access to Maryland, West Virginia and Ohio, and we are going to be bringing those people in. They are going to be spending dollars on gasoline, they are going to get the gasoline tax and the sales tax. It is not something that I feel the State will not be repaid for, possibly within the first year. I am not saying to you that I am looking for this appropriation on an annual basis. The start-up cost of this particular operation is too much for a county the size of Fayette to absorb.

Mr. President, I can tell you that we have a Board of County Commissioners that has distinguished itself over a period of twelve or fourteen years that they have been working together in being conservative in their spending, in being conservative in their approach to the taxes and it is Fayette County, I would think, right now could stand head and shoulders with any county in the Commonwealth for the way they are operated. But this is just a little bit too much to ask them to take on in the first year, Mr. President. I have a list of other non-preferred

billings that we have passed this year, they go back No. 16A, 23A, 35A, 37A, 40A, 46A, 62A, 63A, 72A, 73A. There is a Senate Bill No. 1163 right now in the House Appropriations Committee that appropriates anywhere from \$5,000 to as high as \$667,000 for different and various projects that are shared by the Members of the Minority caucus.

Mr. President, I only bring that out because that seems to be where most of the opposition to Senate Bill No. 1201 is coming from. I would ask them to examine their own districts, their votes on money that is spent in their districts. I would like to say to the gentleman from Delaware, Senator Bell, that if he is willing to give up the hundred or so thousand dollars that is spent in Delaware County in non-preferreds for medical assistance, that next year we will be very happy to accommodate him.

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—30

Bodack,	Kury,	Messinger,	Ross,
Coppersmith,	Kusse,	Murray,	Scanlon,
Early,	Lewis,	O'Connell,	Schaefer,
Fumo,	Lincoln,	O'Pake,	Smith,
Greenleaf,	Lloyd,	Orlando,	Stapleton,
Gurzenda,	Lynch,	Reibman,	Stout,
Hankins,	McKinney,	Romanelli,	Zemprelli,
Kelley,	Mellow,		

NAYS—18

Andrews,	Hager,	Loeper,	Price,
Bell,	Hess,	Manbeck,	Snyder,
Corman,	Holl,	Moore,	Stauffer,
Dwyer,	Howard,	Pecora,	Tilghman,
Gekas,	Jubelirer,		

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

RECONSIDERATION OF SB 1201

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1201 (Pr. No. 1479) — Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1201, Printer's No. 1479, failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would request that Senate Bill No. 1201 go over in its order.

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

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

Senator ZEMPRELLI. Mr. President, I would withdraw my

request that Senate Bill No. 1201 go over in its order permanently. I would merely request that the bill go over temporarily.

Mr. President, it is my understanding that the gentleman would ask the Chair for a ruling with respect to the germaneness of the bill.

The PRESIDENT. Without objection, Senate Bill No. 1201 will go over in its order on final passage temporarily.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, there is some question in my mind and in the minds of several of my colleagues as to whether a two-thirds vote is required. There is some question as to whether this should have been categorized as a non-preferred appropriation.

Mr. President, it is an appropriation to a municipal government and it is not within the charitable or educational appropriations which generally are categorized as non-preferred.

Mr. President, I think if you check Section 30 of the Constitution—

The PRESIDENT. Is the gentleman citing a section of the Constitution?

Senator ZEMPRELLI. Mr. President, would the Chair be gracious enough to advise me as to the status of the proceedings at this moment?

The PRESIDENT. Senate Bill No. 1201 is over in its order temporarily. There is a question of parliamentary inquiry by Senator Lincoln before the chair.

Senator ZEMPRELLI. Mr. President, would you recognize the gentleman for the purpose of withdrawing his inquiry?

Senator LINCOLN. Mr. President, I would like to withdraw my question of parliamentary inquiry.

Senator ZEMPRELLI. Mr. President, I understand that the gentleman is willing to withdraw his question of parliamentary inquiry based on the fact that if Senate Bill No. 1201 goes over in its order, that he may raise that question at the next Session of this Senate, without prejudice.

The PRESIDENT. That is correct.

Senator ZEMPRELLI. Mr. President, based on that consideration and understanding, I would request that the bill go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 1201 will go over in its order on final passage.

SPECIAL ORDER OF BUSINESS

SB 681 CALLED UP OUT OF ORDER

SB 681 (Pr. No. 1519) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 681 (Pr. No. 1519) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, before we vote on this very important issue, I would really like to point out just a couple things.

One, the Pennsylvania Council on Aging is not in sympathy with this particular bill. They believe that there is a more important issue for the senior citizens of Pennsylvania and that is transportation. It is believed by them, and I support the belief, that we cannot afford to do both programs. This is a very fine program. I wish I could be voting for the program but I do not think we can afford the program.

Mr. President, it is believed by the Secretary of the Budget that it would cost somewhere in the neighborhood of \$52 million as a best guesstimate of what the program may cost. I will be voting "no" on this particular bill and I think if many of the people have talked with their senior citizens back home and asked them their priority of programs, I think most of them will find that they are truly interested in transportation. Without transportation they cannot get to the drug store to get the drugs.

Mr. President, I wish I could be supportive of the program, but the mail I am receiving from my area and the research that I have done on the program, indicates that I should be voting "no" and trying to get these monies to be available for 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—42

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

NAYS—6

Andrews,	Jubelirer,	Snyder,	Stauffer,
Corman,	Manbeck,		

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.

NONPREFERRED APPROPRIATION BILL ON
THIRD CONSIDERATION AND FINAL PASSAGE

SB 1240 (Pr. No. 1541) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—40

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

NAYS—8

Andrews,	Gekas,	Hess,	Price,
Corman,	Hager,	Howard,	Tilghman,

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

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

RECONSIDERATION OF SB 1240

SB 1240 (Pr. No. 1541) — Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1240, Printer's No. 1541, just passed finally.

On the question,
Will the Senate agree to the motion?
Senator LINCOLN. Mr. President, I withdraw my motion.

BILL OVER IN ORDER

HB 268 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 373 (Pr. No. 2890) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrews,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,

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

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 OVER IN ORDER TEMPORARILY

SB 506 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 725 (Pr. No. 2413) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 735 (Pr. No. 2932) — 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,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	McKinney,	Ross,
Bodack,	Howard,	Mellow,	Scanlon,
Coppersmith,	Jubelirer,	Messinger,	Schaefer,
Corman,	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,	Zemprelli,
Hankins,	Lynch,	Reibman,	

NAYS—1

Dwyer,

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 ON THIRD CONSIDERATION AMENDED

SB 768 (Pr. No. 1487) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 7, by striking out "information services and"

Amend Sec. 3, page 4, line 26, by striking out "Section 3101" and inserting: Sections 3101 and 3102

Amend Sec. 3, page 4, line 26, by striking out "is" and inserting: are

Amend Sec. 3 (Sec. 3101), page 4, line 29, by inserting brackets before and after "the" where it appears the first time and inserting: this

Amend Sec. 3 (Sec. 3101), page 5, line 18, by removing the comma after "mother"

Amend Sec. 3 (Sec. 3101), page 5, line 23, by inserting a comma after "made"

Amend Sec. 3 (Sec. 3101), page 6, line 2, by striking out "of the Commonwealth of Pennsylvania"

Amend Bill, page 6, by inserting between lines 13 and 14:

§ 3102. Settlement of small estates on petition.

When any person dies domiciled in the Commonwealth owning property (exclusive of real estate and of property payable under section 3101 (relating to payments to family and funeral directors), but including personal property claimed as the family exemption) of a gross value not exceeding \$10,000, the orphans' court division of the county wherein the decedent was domiciled at the time of his death, upon petition of any party in interest, in its discretion, with or without appraisal, and with such notice as the court shall direct, and whether or not letters have been issued or a will probated, may direct distribution of the property (including property not paid under section 3101) to parties entitled thereto. The authority of the court to award distribution of personal property under this section shall not be restricted because of

the decedent's ownership of real estate, regardless of its value. The decree of distribution so made shall constitute sufficient authority to all transfer agents, registrars and others dealing with the property of the estate to recognize the persons named therein as entitled to receive the property to be distributed without administration, and shall in all respects have the same effect as a decree of distribution after an accounting by a personal representative. Within one year after such a decree of distribution has been made, any party in interest may file a petition to revoke it because an improper distribution has been ordered. If the court shall find that an improper distribution has been ordered, it shall revoke the decree and shall direct restitution as equity and justice shall require.

Amend Sec. 5 (Sec. 3174), page 7, line 9, by inserting brackets before and after "the" and inserting immediately thereafter: this

Amend Sec. 5 (Sec. 3174), page 7, line 10, by inserting brackets before and after "the" and inserting immediately thereafter: this

Amend Sec. 5 (Sec. 3174), page 7, line 13, by inserting brackets before and after "the" and inserting immediately thereafter: this

Amend Sec. 5 (Sec. 3174), page 8, line 15, by striking out "Instances when bond not required" and inserting: Individual personal representative

Amend Sec. 5 (Sec. 3174), page 8, line 20, by striking out "or"

Amend Sec. 5 (Sec. 3174), page 8, line 23, by striking out "the" and inserting: this

Amend Sec. 5 (Sec. 3174), page 8, line 29, by striking out "the" and inserting: this

Amend Sec. 6 (Sec. 3539), page 9, lines 4 through 10, by striking out all of said lines and inserting: § 3539. (Reserved)

Amend Sec. 6 (Sec. 3540), page 9, lines 25 and 26, by striking out "Article III," in line 25, all of line 26 and inserting: section 24 of Article III of the Constitution of Pennsylvania.

Amend Sec. 13, page 13, line 14, by striking out "section" and inserting: 20 Pa. C.S. §.

Amend Sec. 13, page 13, line 17, by striking out "change in interest rates in sections" and inserting: provisions of 20 Pa.C.S. §

Amend Sec. 13, page 13, line 19, by striking out "which"

Amend Sec. 13, page 13, lines 19 and 20, by striking out "with respect" and inserting: immediately and apply

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL OVER IN ORDER

HB 805 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1003 (Pr. No. 1180) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 1043 (Pr. No. 1241) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1053 (Pr. No. 1520) — Considered the third time,

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

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

Amend Title, page 1, lines 3 and 4, by striking out "FOR A CONSIDERATION TO BE DETERMINED

BY AN APPRAISAL,"

Amend Sec. 1, page 1, lines 12 through 16, by striking out "WHICH" in line 12; all of lines 13 through 15; and "FOR BY COLLIER TOWNSHIP," in line 16 and inserting: of \$1,

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1119 (Pr. No. 1354) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1145 (Pr. No. 1517) — Considered the third time,

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

Amend Sec. 1 (Sec. 702), page 2, line 11, by inserting after "NOT": the property is

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILLS OVER IN ORDER

SB 1158 and 1200 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1217 (Pr. No. 2933) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 1256 (Pr. No. 2187) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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.

BILL ON THIRD CONSIDERATION AMENDED

HB 1382 (Pr. No. 2777) — Considered the third time,

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

Amend Sec. 1 (Sec. 7361), page 2, line 13, by removing the semicolon after "counties" and inserting: or home rule counties which but for the adoption of a home rule charter would be a county of one of these classes;

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1384 (Pr. No. 2278) — 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,	Manbeck,	Romanelli,
Bell,	Hess,	McKinney,	Ross,
Bodack,	Holl,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Loeper,	Price,	Zemprelli,
Hager,	Lynch,	Reibman,	

NAYS—1

Lloyd,

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 1385 (Pr. No. 2279) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrews,	Hankins,	Lynch,	Reibman,
Bell,	Hess,	Manbeck,	Romanelli,

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

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 1512 (Pr. No. 2567) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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.

BILL REREFERRED

HB 1815 (Pr. No. 2230) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AMENDED

HB 1847 (Pr. No. 2273) — Considered the third time,

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

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

Amend Sec. 1, page 1, line 9, by inserting after "Representatives"; and the President pro tempore, the Majority Leader and the Minority Leader of the Senate

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

Senator FUMO. Mr. President, what this amendment basically does is straighten out some language and allow for some input into the office space situation in the South Office Building. The way House Bill No. 1847, Printer's No. 2273 is presently drafted, it indicates that the space in the South Office Building shall be granted to the General Assembly.

Then it goes on in the next paragraph to say that the Speaker, the Majority and Minority Leader of the House of Representatives shall allocate the space in that office building.

It is my position, and I would hope the position of some of my colleagues, that we should add to that language after the word "Representatives" and the President pro tempore, Majority and Minority Leaders of the Senate. If the space is being granted to the General Assembly, certainly the Senate is a part of the General Assembly, or at least it was the last time I heard. I do not think anyone intends to hamper or impede the space problems in the House, but I think that this Chamber should have some input, be it even if it is just to exercise in an advisory capacity, because we are talking about a building with 90,000 square feet. We are giving it over to one of the Chambers. Every time they move a tenant out of that building, we will have to pick up the bill for the additional appropriation to find space for that agency.

Mr. President, I think it is only fair, right and proper that we have at least some sort of input into that process and I move for the adoption of the amendment.

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

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

YEAS—30

Bell,	Hankins,	Lynch,	Romanelli,
Bodack,	Hess,	Mellow,	Schaefer,
Corman,	Holl,	Messinger,	Smith,
Dwyer,	Jubelirer,	O'Pake,	Stapleton,
Early,	Kelley,	Orlando,	Stout,
Fumo,	Kury,	Pecora,	Tilghman,
Greenleaf,	Lewis,	Price,	Zemprelli,
Gurzenda,	Lloyd,		

NAYS—15

Andrews,	Howard,	Moore,	Scanlon,
Coppersmith,	Kusse,	Murray,	Snyder,
Gekas,	Lincoln,	O'Connell,	Stauffer,
Hager,	Manbeck,	Ross,	

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

The PRESIDENT. House Bill No. 1847 will go over, as amended.

GUESTS OF SENATOR RICHARD A. SNYDER AND CLARENCE F. MANBECK PRESENTED TO SENATE

Senator SNYDER. Mr. President, three citizens of Lancaster

County who are active in the agricultural area are in the gallery. They are Carlton Groff of the southern end of Lancaster County, Mark Hess, who is on the State Extension Board and Donald Hershey, a poultry farmer. The gentleman from Lebanon, Senator Manbeck, is the representative of one of these and I have the honor to represent the other two.

I would appreciate if you would welcome them. They are to your left, Mr. President, in the box there.

The PRESIDENT. Would the gentleman please rise so the Senate may give you its normal traditional warm and hardy welcome?

(Applause.)

RECESS

Senator ZEMPRELLI. Mr. President, I have been prevailed upon by several Members of my party for the purpose of calling a very short caucus of the Democratic Members at this time. I would ask if the Chair would be kind enough to indulge the Majority, that we would meet in the Rules room at the back of the Chamber immediately.

Senator HAGER. Mr. President, may I ask the Republican Members to report immediately to their caucus room.

The PRESIDENT. For the purpose of a brief Democratic caucus which will convene immediately in the Rules Committee room at the rear of the Chamber and a Republican caucus which will convene immediately in the Minority caucus room at the rear of the Chamber, the Chair declares the Senate briefly in recess.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 506 CALLED UP

SB 506 (Pr. No. 526) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar by Senator ZEMPRELLI.

BILL OVER IN ORDER

SB 506 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2123 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

HB 1491 and 1865 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL RECOMMITTED

HB 11 (Pr. No. 2834) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was recommitted to the Committee on Education.

BILL ON SECOND CONSIDERATION AMENDED

SB 207 (Pr. No. 1521) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HAGER offered the following amendment:

Amend Sec. 1 (Sec. 4), page 2, line 19, by inserting after "centers,": buildings and facilities for

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 526, 631 and HB 640 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 705 (Pr. No. 1428) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 849 and 995 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1041 (Pr. No. 1546) — Considered the second time and agreed to,

Ordered, to be transcribed for a third consideration.

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

BILLS OVER IN ORDER

SB 1205, 1233, 1262 and 1263 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

HB 1778 (Pr. No. 2173) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1787, 1805 and 1843 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator SCHAEFER, from the Committee on Professional Licensure, reported, as amended, **SB 1063** and **HB 914**.

Senator STOUT, from the Committee on Military and Veterans Affairs, reported, as committed, **HB 340**.

RESOLUTION REPORTED FROM COMMITTEE

Senator STOUT, from the Committee on Military and Veterans Affairs, reported without amendment, Senate Resolution, **Serial No. 79**, entitled:

Urging the Governor proclaim a day as "Vietnam Veterans Day."

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

HOUSE MESSAGE

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence House Concurrent Resolution, which was read, considered and adopted:

In the House of Representatives.

WHEREAS, The 1980 Winter Olympic Games were held at Lake Placid, New York, from February 12 to February 24; and

WHEREAS, The United States Ice Hockey Team, comprised of young men from all corners of this Nation, was deemed to have little chance of taking any medal; and

WHEREAS, The United States Ice Hockey Team won the Gold Medal by defeating the teams from Czechoslovakia, Rumania, West Germany, Norway, the Soviet Union and Finland, and by tying with the team from Sweden; and

WHEREAS, The United States, in winning the Gold Medal, accomplished one of the most stunning upsets in sports history, by coming from behind to defeat the team from the Soviet Union; and

WHEREAS, Throughout all of its matches the United States team displayed superb athletic skill, grit and determination, thereby truly epitomizing the American Spirit; therefore be it

RESOLVED (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania congratulates the United States Ice Hockey Team on winning the Gold Medal at the 1980 Winter Olympics; and be it further

RESOLVED, That the General Assembly commends the United States team for consistently displaying a spirit of teamwork, perseverance and determination, thereby showing to the world the true spirit of the American people; and be it further

RESOLVED, That copies of this resolution be transmitted to the coaches and members of the United States Ice Hockey Team.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Martin Crownover and to Mr. and Mrs. John Fleming by Senator Stapleton.

Congratulations of the Senate were extended to Leonizia Leona Rosatone by Senator Ross.

Congratulations of the Senate were extended to the Polish National Alliance of the United States of North America by Senator Lewis.

Congratulations of the Senate were extended to the 1979-80 Phoenixville Senior High School wrestling team by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. John A. Miller by Senator Stout.

BILL SIGNED

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

SB 274.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1063, HB 340 and 914.

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, today when the Senate passed Senate Bill No. 681, that is the prescriptions paid for the older citizens financed from the General Fund, I think we made a great step forward. I was the prime sponsor of Senate Bill No. 437. As I recall, this was co-sponsored by the gentleman from Philadelphia, Senator McKinney, the gentleman from Philadelphia, Senator Lynch, and the gentleman from Delaware, Senator Loeper.

The bill I put in did not have any prepayment, but the \$4.00 fee with this prescription, I think, is far workable. I have not agreed that this is impossible for the State to finance because the gentleman from Philadelphia, Senator Smith, told me last night he understood it would cost around \$30 million a year. There is money to finance it.

Mr. President, now it goes to the House of Representatives. I certainly hope the House of Representatives is as receptive to the older citizens of Pennsylvania as this Senate of Pennsylvania was today.

Once again, Mr. President, we are using General Fund money for our older citizens. But, why shouldn't we? These people as I have said before have paid taxes all their lives, they have worked all their lives. Now when they need help, the Commonwealth should help them. I certainly hope the House of Repre-

sentatives quickly moves this bill and puts it on the Governor's desk because I think once the Governor realizes the tremendous plight of the older citizen, especially with these prescriptions, I think the Governor might find the money and I think we could have a bright new day coming for the older people of Pennsylvania.

SECRETARY DAVIS AND AIDE PRESENTED TO SENATE

Senator HAGER. Mr. President, before we go any farther, I think it is only appropriate that I point out to the Members of the Senate who are still here that we have in the gallery a couple of guests we should give our warm welcome to, Bill Davis, the Secretary of the Commonwealth and his Administrative Assistant, John Martino. I think we should give them our warm welcome before and in case I am successful in getting rid of their department.

The PRESIDENT pro tempore. We will ask the Senate to give our distinguished guests a very warm welcome.

(Applause.)

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 27, 1980

9:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 1217)	Senate Majority Caucus Room
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THURSDAY, FEBRUARY 28, 1980

9:00 A.M.	FINANCE (Public Hearing to on House Bill No. 1)	Erie City Council Chambers, 626 State St., Erie, PA
4:00 P.M.		
9:30 A.M.	Special Senate Bituminous Coal Committee (Public Hearing on Senate Bills No. 988, 989, 990, 991 and 992 — Pennsylvania's Primacy Legislation)	Court House Indiana, PA

FRIDAY, FEBRUARY 29, 1980

9:30 A.M.	Special Senate Bituminous Coal Committee (Public Hearing on Senate Bills No. 988, 989, 990, 991 and 992 — Pennsylvania's Primacy Legislation)	Sheraton Inn, Exit 17 of 180, DuBois, PA
10:30 A.M.	URBAN AFFAIRS AND	Philadelphia

HOUSING (Public Hearing on Urban Mass Transportation in the Commonwealth)	City Council Chambers, Philadelphia, PA
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MONDAY, MARCH 3, 1980

1:00 P.M.	CONSUMER AFFAIRS (to consider Senate Bill No. 683 and House Bill No. 1799)	Senate Minority Caucus Room
2:00 P.M.	AGING AND YOUTH (to consider Senate Bill No. 353)	Senate Majority Caucus Room

TUESDAY, MARCH 4, 1980

10:00 A.M.	EDUCATION (to consider Senate Bills No. 302, 305, 947, 1126 and House Bill No. 586)	Senate Majority Caucus Room
11:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 1186, 1187, 1188, 1189, 1219, 1251, 1252; House Bills No. 1011 and 1057)	Local Govt. Commission Room 633
12:00 Noon	JUDICIARY (a Hearing on the nominations to the Court of Common Pleas for William Balph, Jr., Lawrence County and William Standish, Allegheny County)	Senate Majority Caucus Room

WEDNESDAY, MARCH 5, 1980

10:00	APPROPRIATIONS (to receive testimony from the Public Utility Commission with regard to their 1980-81 budget request)	Senate Majority Caucus Room
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FRIDAY, MARCH 7, 1980

10:30 A.M.	URBAN AFFAIRS AND HOUSING (Public Hearing on Urban Mass Transportation in the Commonwealth)	Gold Room, Allegheny Co. Court House, Pittsburgh, PA
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WEDNESDAY, MARCH 12, 1980

10:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Education)	Senate Majority Caucus Room
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THURSDAY, MARCH 13, 1980

10:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Public Welfare)	Senate Majority Caucus Room
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FRIDAY, MARCH 21, 1980

10:00 A.M. LABOR AND INDUSTRY Holiday Inn East,
to (Public Hearing on Senate Rts. 22 & 512,
4:00 P.M. Bills No. 141, 147, 548, Bethlehem, PA
556, 557, 639, 656, 698,
712, 713, 714, 715, 716,
717, 718, 719, 793, 839,
884, 895, 1128 and 1164)

THURSDAY, MARCH 27, 1980

10:00 A.M. LABOR AND INDUSTRY Temple University
to (Public Hearing on Senate Walk Auditorium
4:00 P.M. Bills No. 141, 147, 548, Ritter Hall,
556, 557, 639, 656, 698, Philadelphia, PA
712, 713, 714, 715, 716,
717, 718, 719, 793, 839,
884, 895, 1128 and 1164)

THURSDAY, APRIL 24, 1980

9:30 A.M. PUBLIC HEALTH AND Senate Majority
WELFARE (Public Hear- Caucus Room
ing on the oversight con-
cerning child health pro-
grams)

THURSDAY, MAY 1, 1980

10:00 A.M. LABOR AND INDUSTRY University of
to (Public Hearing on Senate Pittsburgh,
4:00 P.M. Bills No. 141, 147, 548, Pittsburgh, PA

556, 557, 639, 656, 698,
712, 713, 714, 715, 716,
717, 718, 719, 793, 839,
884, 895, 1128 and 1164)

THURSDAY, MAY 15, 1980

10:00 A.M. LABOR AND INDUSTRY Penn State
to (Public Hearing on Senate University,
4:00 P.M. Bills No. 141, 147, 548, State College,
556, 557, 639, 656, 698, PA
712, 713, 714, 715, 716,
717, 718, 719, 793, 839,
884, 895, 1128 and 1164)

THURSDAY, JUNE 5, 1980

10:00 A.M. LABOR AND INDUSTRY Senate Majority
to (Public Hearing on Senate Caucus Room
4:00 P.M. Bills No. 141, 147, 548,
556, 557, 639, 656, 698,
712, 713, 714, 715, 716,
717, 718, 719, 793, 839,
884, 895, 1128 and 1164)

ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Monday, March 3, 1980, at 3:00 p.m., Eastern Standard Time.

The motion was agreed to.

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