

Legislative Journal

MONDAY, MARCH 24, 1980

Session of 1980

164th of the General Assembly

Vol. 2, No. 19

SENATE

MONDAY, March 24, 1980.

The Senate met at 3:00 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, The Reverend ROBERT M. VOWLER, Pastor of Baughman Memorial United Methodist Church, New Cumberland, offered the following prayer.

Let us pray:

Our gracious God who has ordered this wondrous world and who dost lead us through the changes of time, we are grateful to You this day that when as people we lie bleeding on the road of life, You are the good samaritan who comes down to heal us; that when we have lost our way, You have given us guidelines to show us the way home and best of all, when we turn around and go home, You are there to say, I am glad to see you.

We are grateful for the mercy that underlies all of our acts. Each and every day we offer the good things that we do for Your blessing.

We ask always for Your mercy and Your eternal understanding for our sins.

Be with this Body and let Your blessing fall individually upon each person as You see them and their need. In Christ's name we pray for these things. Amen.

The PRESIDENT. The Chair thanks Reverend Vowler, who is the guest this week of Senator Hopper.

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.

LEAVE OF ABSENCE

Senator STAUFFER asked and obtained leave of absence for Senator TILGHMAN, for today and tomorrow, for medical reasons.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

March 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 18, 1980, for the appointment of Henry W. Baird, M.D., 263 Kent Road, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, as a member of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute, to serve until the third Tuesday of January, 1981, and until his successor is appointed and qualified, vice J. Martin Myers, M.D., Radnor, 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 LOCUST MOUNTAIN STATE GENERAL HOSPITAL

March 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 Sam Schutawie, 126 North Main Street, Shenandoah 17976, Schuylkill County, Twenty-ninth Senatorial District, as a member of the Board of Trustees of Locust Mountain State General Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Joseph Skala, Ringtown, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY BOARD OF ASSISTANCE

March 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 nomina-

tion dated January 27, 1980, for the reappointment of James J. Ravenell (Democrat), 1561 Walnut Street, Harrisburg 17103, Dauphin County, Fifteenth Senatorial District, as a member of the Dauphin County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

March 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 Mildred Sucof (public member), 6500 Darlington Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Dental Council and Examining Board, pursuant to Act 292, approved November 26, 1978, to serve for a term of six years and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

March 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 Harry O. Ludwig, 309 Harvard Boulevard, Lincoln Park, Reading 19609, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Mrs. Marion R. Anspach, Jones-town, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF OPTOMETRICAL EXAMINERS

March 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 E. James Phillips, Jr. (Public Member), 257 River Street, Forty Fort 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Optometrical Examiners, pursuant to Act 292, approved November 26, 1978, 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

March 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 Mrs. Linda G. Glazer (public member), 724 Hansom Drive, Lancaster 17603, Lancaster County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, pursuant to Act 292, approved November 26, 1978, to serve for a term of four years, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EXAMINERS OF PUBLIC ACCOUNTANTS

March 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 Richard N. Weiner, Esquire (public member), 344 Thorpe Road, Jenkintown 19046, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Examiners of Public Accountants, pursuant to Act 292, approved November 26, 1978, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE REAL ESTATE COMMISSION

March 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 Frances Johnson Barnes, Ed.D. (public member), 6657 Reynolds Street, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Real Estate Commission, pursuant to Act 292, approved November 26, 1978, to serve for a term of five years, or until his successor has been appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

DISTRICT JUSTICE

March 24, 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 Dorothy C. Laabs, R.D. #1, Box 232F, Hawley 18428, Wayne County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Wayne, Class 3, District 01, to serve until the first Monday of January, 1982, vice Allan V. Campfield, Hawley, resigned.

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1527** and **1528**, which were referred to the Committee on Law and Justice.

He also presented for concurrence **HB 1549** and **1788**, which were referred to the Committee on Local Government.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 290** and **508**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT**. The bills, as amended, will be placed on the Calendar.

GENERAL COMMUNICATION**RESOLUTION OF THE IDAHO STATE SENATE**

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

IDAHO STATE SENATE
Office of the Secretary
Capitol Building
Boise

March 17, 1980.

Lt. Gov. William W. Scranton III
President of the Senate
Room 200, Main Capitol Building
Harrisburg, PA 17120

Dear Mr. President:

I have the honor to transmit to you Senate Concurrent Resolution Number 132 which was adopted by the Idaho State Senate on February 11, 1980, and by the Idaho State House of Representatives on March 3, 1980.

Respectfully yours,

PAT HARPER
Secretary of the Senate

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 132
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION
MAKING APPLICATION AND REQUESTING THAT A CONSTITUTIONAL CONVENTION FOR THE SPECIFIC AND EXCLUSIVE PURPOSE OF DRAFTING A RIGHT TO LIFE AMENDMENT TO THE UNITED STATES CONSTITUTION BE CALLED, AND THIS RESOLUTION BE SENT TO PERSONS SPECIFIED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature finds it would be in the interest of the citizens of Idaho to have an amendment to the Constitution of the United States guaranteeing the right to life to all human beings from the moment of conception.

WHEREAS, under Article V of the Constitution of the United States, upon the application of the Legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the members of the Senate and the House of Representatives concurring, that we hereby make application and request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution to consider the following:

(a) From the moment of conception a person shall be guaranteed all personal rights extended to all individuals under the constitution and laws of the United States of America and the state or states of residence and only under extreme circumstances shall it be otherwise; namely, to save the life of the mother, or other extenuating circumstances where at least two consulting physicians, one not having previously been involved in the case, and after due and thorough consultation with all

persons having the legal right to be involved, find it is necessary and just that the life of the unborn shall be terminated.

(b) Provide that the several states shall have the power to enforce such an amendment, and establish priority of life by appropriate legislation.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho proposes that the Legislature of each of the several states comprising the United States apply to the Congress requiring the Congress to call a constitutional convention for proposing such an amendment to the United States Constitution.

BE IT FURTHER RESOLVED that the constitutional convention applied for herein shall be held for the sole purpose of considering a constitutional amendment as proposed herein. This application and request shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

BE IT FURTHER RESOLVED that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution then this petition for a constitutional convention shall no longer be of any force or effect; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Resolution to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the presiding officers of both Houses of the Legislature of each of our sister states in the Union, and the members of the delegation representing the State of Idaho in the Congress of the United States.

REPORTS FROM COMMITTEE

Senator **HANKINS**, from the Committee on Insurance, reported, as committed, **SB 1135**, **1246** and **HB 1106**; as amended, **SB 1137** and **1162**.

BILLS INTRODUCED AND REFERRED

Senators **BELL**, **STAUFFER**, **PRICE** and **GREENLEAF** presented to the Chair **SB 1311**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding certain interest from the personal income tax.

Which was committed to the Committee on Finance.

Senators **SCHAEFER**, **BELL**, **LINCOLN**, **O'CONNELL** and **ZEMPRELLI** presented to the Chair **SB 1312**, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," providing for a short-term camp physician license.

Which was committed to the Committee on Professional Licensure.

Senators **ZEMPRELLI**, **MURRAY** and **ROMANELLI** presented to the Chair **SB 1313**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the calling of special elections to fill certain vacancies.

Which was committed to the Committee on State Government.

Senators GREENLEAF and BELL presented to the Chair SB 1314, entitled:

An Act providing a warranty for purchasers of new residential buildings or units.

Which was committed to the Committee on Consumer Affairs.

Senator GREENLEAF presented to the Chair SB 1315, entitled:

An Act amending the act of November 26, 1975 (P. L. 454, No. 126), entitled "Gasoline Act," prohibiting rental payments based on volume of products sold.

Which was committed to the Committee on Business and Commerce.

Senators LOEPER, MANBECK and LYNCH presented to the Chair SB 1316, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Upper Darby Township, Delaware County.

Which was committed to the Committee on Transportation.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, March 24, 1980.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 28, 1980 unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, April 8, 1980 unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of April 8, 1980 it reconvene on Monday, April 28 unless sooner recalled by the Speaker of the House of Representatives.

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

SENATE RESOLUTIONS

MEMORIALIZING CONGRESS TO TAKE ACTION ON INCREMENTAL PRICING

Senators ROSS, HAGER, SCANLON, STAUFFER, MESSINGER, ROMANELLI, BODACK, ZEMPRELLI, FUMO, ORLANDO, LEWIS, MELLOW, EARLY, and KELLEY offered the following resolution (Serial No. 89), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 24, 1980.

WHEREAS, Title II of the Natural Gas Policy Act of 1978 provides for incremental pricing of certain industrial uses of interstate natural gas. The Federal Energy Regulatory Commission must issue Rule II of this act by May 9, 1980 which will expand the application of incremental pricing to other industrial users but is subject to review by the Congress; and

WHEREAS, Incremental pricing will have a direct adverse impact on the increase of prices for domestic goods and products for domestic goods and products for all consumers, thereby fueling inflation; and

WHEREAS, Implementation of incremental pricing will result in the displacement of natural gas with foreign oil in the industrial sector. This runs counter to Federal policies; and

WHEREAS, A recent study by the Wharton Econometric Forecasting Associates implies that incremental pricing would increase inflation, reduce economic growth, reduce private domestic investment and increase unemployment; and

WHEREAS, Industrial users who cannot convert to alternate fuels could be forced into less competitive positions in the domestic or international market places because of arbitrary and artificial high natural gas prices that will result under incremental pricing; and

WHEREAS, Incremental pricing will not achieve the intended effect of sheltering residential and other high priority customers from the impacts of higher cost forms of natural gas but will in all probability have the opposite effect; and

WHEREAS, Incremental pricing interferes with State PUC authority over natural gas ratemaking and presents a significant departure from the ratemaking principle that each customer class should bear the costs which it actually imposes on a utility system; therefore be it

RESOLVED, That to prevent these devastating effects on our overall economic climate the Senate of Pennsylvania recommends that the Congress of the United States either adopt H.5862, "The Repeal of Incremental Pricing of Natural Gas" Title II or that Congress veto Rule II when presented by the Federal Energy Regulatory Commission; and be it further

RESOLVED, That copies of this resolution be immediately transmitted to the Speaker of the House, the President pro tempore of the Senate and to each Senator and Congressman from Pennsylvania.

DECLARING ANTI-SHOPLIFTING WEEK

Senators MANBECK, ZEMPRELLI, HAGER and JUBELIRER offered the following resolution (Serial No. 90), which was read and referred to the Committee on State Government:

In the Senate, March 24, 1980.

WHEREAS, The crime of retail theft or shoplifting has become a serious problem for merchants and retailers alike within the Commonwealth; and

WHEREAS, The cost of this criminal activity is ultimately borne by consumers in the form of higher prices charged by merchants and retailers; and

WHEREAS, Many citizens of the Commonwealth are not aware that shoplifting is a crime for which imprisonment may be imposed; and

WHEREAS, Many people, in particular the youth of our Commonwealth may be susceptible to attempting this crime as a result of pressure by their peers; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize Governor Dick Thornburgh to declare the week of April first to the seventh as "Anti-Shoplifting Week" in Pennsylvania in this as well as ensuing years; and be it further

RESOLVED, That a copy of this resolution be sent to Governor Dick Thornburgh.

SENATE CONCURRENT RESOLUTION

MEMORIALIZING PRESIDENT AND CONGRESS TO PREVENT ARCO AND OTHER OIL COMPANIES FROM CHANGING RENTAL PROCEDURES

Senator GREENLEAF Offered the following resolution (Serial No. 231), which was read and referred to the Committee on Constitutional Changes and Federal Relations:

In the Senate, March 24, 1980.

WHEREAS, On December 24, 1979, ARCO dealers across the country received notice effective April 1, 1980, that their rents would no longer be based on the flat rates they had been paying but would be based on volume of gasoline sold; and

WHEREAS, The formula to be used by ARCO is one in which the 1979 dealer's allocation is multiplied by two and three-fourth cents per gallon; and

WHEREAS, The new system will have the effect of increasing rents by two, three and as much as eight times their present amount; and

WHEREAS, Many dealers will have to get rid of their self-serve and mini-serve pumps or charge more for mechanic services and charge more for gas if they are not already charging the government limit of 16.1 cents per gallon over cost; and

WHEREAS, Some dealers view the move by ARCO as an attempt to drive the highest volume dealers out of business so that the oil company can take over the prime locations itself; and

WHEREAS, It is possible that these extremely high rental increases may constitute violation of the wage-price guidelines; and

WHEREAS, It appears that this move by a major oil company is a totally unnecessary profit grab and a back door method of increasing prices which not only have an adverse effect on the dealers but also on the members of the consuming public who are already being squeezed by the oil companies; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress of the United States to take whatever action is necessary to prevent ARCO and other oil companies from changing the rental procedure in such an inequitable manner.

CALENDAR

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 1205 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 1623 — Without objection, the bill was passed over in its order temporarily at the request of Senator SCANLON.

NONPREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1771 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILL OVER IN ORDER TEMPORARILY

HB 1011 — Without objection, the bill was passed over in its order temporarily at the request of Senator HAGER.

BILLS OVER IN ORDER

HB 1057 and SB 1219 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILL OVER IN ORDER TEMPORARILY

SB 1262 (Pr. No. 1651) — Considered the third time,

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

MOTION FOR BILL OVER IN ORDER TEMPORARILY

Senator KELLEY. Mr. President, I move that House Bill No. 1262, Printer's No. 1651 go over in its order temporarily.

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

Senator HAGER. Mr. President, I object to Senate Bill No. 1262 going over temporarily and ask for a roll call vote.

Senator SCANLON. Mr. President, for purposes of obtaining a roll call today, this procedure has been decided upon to have a roll call on the motion to go over in its order. I would request the Members of the Democratic side vote in the affirmative and I would request the Members on the Republican side vote in the affirmative.

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Erie, Senator Orlando, will state it.

Senator ORLANDO. Mr. President, I am a bit confused about now. After the gentleman from Westmoreland, Senator Kelley, got up, he usually has a habit of confusing. What are we on, Mr. President?

The PRESIDENT. Senate Bill No. 1262, the motion has been put for Senate Bill No. 1262 to go over in its order temporarily. There will be a roll call vote on the motion.

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

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

YEAS—43

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

NAYS—0

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

Not being present at the time of roll call, Senator HOPPER announced his vote in the affirmative.

The PRESIDENT. Senate Bill No. 1262 will go over in its order temporarily.

GUESTS OF SENATOR W. THOMAS ANDREWS PRESENTED TO SENATE

Senator ANDREWS. Mr. President, I am very pleased to have in the gallery today constituents from my district. There is a lady, Mrs. Patricia Shimrak who is there who has been very active in Butler County inflation fighting. She has organized an organization called the "Butler Clippers" and they clip coupons for refunds. She has lectured to groups of senior citizens and welfare recipients and lectured at college classes on how to stretch the dollar further when it comes to shopping.

This lady is here today and she has had her picture taken with the Governor and been in the House and has met a lot of people here. I would like to offer to the Senate of Pennsylvania, Mrs. Patricia Shimrak and her husband, Robert Shimrak and I would ask the Members of the Senate to extend to them our usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR R. BUDD DWYER AND SENATOR ROBERT J. MELLOW PRESENTED TO SENATE

Senator DWYER. Mr. President and Members of the Senate, the gentleman from Lackawanna, Senator Mellow, and I have the honor today to present in the front of the Senate Chamber guests from both ends of the State. My constituents are people who are marching in honor of our prisoners of peace in the U.S. Embassy in Iran. They left Sharon, Pennsylvania on March 1, 1980 and marched to Olyphant, Pennsylvania, which is in the district of the gentleman from Lackawanna, Senator Mellow. Their destination was the district of the gentleman from Lackawanna, Senator Mellow, because although they were marching in honor of all our prisoners of peace, they were in particular marching in honor of Michael Matrinko, who is from the Olyphant area and who was one of the prisoners of peace who has been least heard from since the takeover of the American Embassy in Tehran last November.

I would like to introduce to you, first of all, the parents of Michael Matrinko, constituents of the gentleman from Lackawanna, Senator Mellow. Mr. and Mrs. Matrinko, if you would stand please.

(Applause.)

Senator DWYER. Mr. President, next I would like to introduce to you the marchers for our prisoners of peace who have made the entire trip from the Shenango Valley to Olyphant, now to Harrisburg. At a reception in the Governor's reception room an hour or so ago, they announced tomorrow they are leaving from here to go to our National Shrine at Gettysburg and then on to Washington, D.C.

Those who have been marching the entire time, March 1, 1980, leaving the Shenango Valley to March 17th, the St. Pa-

trick's Day Parade in Lackawanna County: First of all, the group leader who is bearing the American flag, Tom Flynn.

(Applause.)

Senator DWYER. Mr. President, bearing the Pennsylvania flag is George Bigler.

(Applause.)

Senator DWYER. Also marching and concurrently celebrating their honeymoon are Jim and Debbie Bigler.

(Applause.)

Senator DWYER. Mr. President, Cay Mack and John Hondo round out the freedom marchers.

(Applause.)

Senator DWYER. Mr. President, others are family members and those who have done some marching but their shoes or their boots or their feet gave out and they were not able to complete the entire trip; but many of them will be going from here to Gettysburg and then on, as I said, to Washington, D.C., where they are going to attend a national prayer meeting in honor of our prisoners of peace, praying for the Iranians, as Mr. Flynn said in the Governor's reception room "to let our people go."

Thank you very much for permitting these distinguished people to honor us with their presence in the Senate Chamber today. Godspeed and God bless all of you. We are all praying for you.

Senator GEKAS. Mr. President, because as everyone knows the Capitol of the Commonwealth is located in Harrisburg, this has been the scene over the century of many, many demonstrations, marches, counter-marches and all kinds of doings in the front of the Capitol. Never was there a more impressive sight in all these years than today to see this group of people from our Commonwealth come into the city, marching with the Mayor of the city of Harrisburg, down Front Street and up to the Capitol.

The Mayor of the city represented all of us who all in one way or another want to march with them a part of the way. We thank the Mayor for walking for us part of the way and we thank the marchers for walking the rest of the way.

The PRESIDENT. On behalf of the Senate of Pennsylvania, I would just like to add that your presence here today and your presence in Harrisburg and what you have done, you the marchers and you the Matrinkos, to show the support of all Pennsylvanians for our hostages in Iran to us is an example that is tremendously heartwarming. Speaking for Senator Mellow, who comes also from Lackawanna County and knowing the ordeal that the Matrinkos have been through, what you have done to show your strength and your courage in this time is almost unutterable.

To you and to all the marchers, our very best wishes. To you the Matrinkos, our prayers and Godspeed. Thank you all for being here today.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY

HB 1787 (Pr. No. 3014) — Considered the third time,

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

Amend Title, page 1, line 3, by striking out "AND" and inserting a comma

Amend Title, page 1, line 4, by removing the period after "funds" and inserting: and providing for a budget for the Public Utility Commission for the fiscal year commencing July 1, 1980.

Amend Bill, page 4, by inserting between lines 9 and 10:

Section 3. Notwithstanding any action taken heretofore, the General Assembly hereby approves a budget of \$18,580,000 for operations of the Public Utility Commission for the fiscal year commencing on July 1, 1980. This authorization does not include any Federal funds which may become available to the commission. If the commission shall have already made assessments for the fiscal year beginning July 1, 1980, it shall make such adjustment in the assessments as may be necessary to reflect the budget approved by this section.

Amend Sec. 3, page 4, line 10, by striking out "3." and inserting: 4.

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

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

Senator SCANLON. Mr. President, I would request at this point that House Bill No. 1787 go over temporarily because the gentleman from Philadelphia, Senator Smith, has an amendment and the gentleman is not on the floor and our plan is go into a short caucus. Perhaps we can take the bill up after the caucus.

The PRESIDENT. House Bill No. 1787 will go over in its order temporarily, as amended.

RECESS

Senator SCANLON. Mr. President, at this point I would request that the Senate stand in recess pending a short Democratic caucus which will be held in the Rules Committee room, where we are going to discuss some very important executive nominations. This will not be our caucus for the day.

Mr. President, at the conclusion of the consideration of today's Calendar, we will have a regular caucus but this will be specifically to consider some executive nominations.

Senator HAGER. Mr. President, I would ask the Republican Members to come immediately to their caucus room so we may discuss those persons on the Executive Nomination Calendar who are on the twenty-fifth day.

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

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF EDUCATION

March 24, 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 November 16, 1979, for the appointment of Ms. Barbara Hackman Franklin, R.D. Newmanstown 17073, Lebanon County, Forty-eighth Senatorial District, as a member of the State Board of Education, to serve until October 1, 1985, and until her successor is appointed and qualified, vice Mrs. Gladys B. McNairy, 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 PHILADELPHIA STATE HOSPITAL

March 24, 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 November 23, 1979, for the reappointment of Mrs. Marie Kelly Logan, 2226 Napfle Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified.

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

DICK THORNBURGH.

RECESS

Senator SCANLON. Mr. President, at this time I would request a very short recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to report out some names that we must act on today. If everyone will proceed immediately to the room, I guarantee you we will be finished in less than five minutes.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room at the rear of the Chamber, the Chair declares the Senate in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED**HB 1623 CALLED UP**

HB 1623 (Pr. No. 3068) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar by Senator SCANLON.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1623 (Pr. No. 3068) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 2), page 7, line 17, by striking out all of said line and inserting: 1,505,400,000

Amend Sec. 1 (Sec. 2), page 8, lines 7 through 30; page 9, lines 1 through 11, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendments?

Senator LOEPER. Mr. President, basically these amendments would do two things to House Bill No. 1623.

Number one, it would add an additional \$1.6 million to our basic school subsidies and help provide for some of the deficiencies in the school subsidies and particularly affecting our area of Delaware County.

Secondly, it would delete from the bill what is termed municipal overburden for the cities of Philadelphia and Pittsburgh. Many of my constituents in Delaware County already consider this suburban overburden. These people that are employed in the city of Philadelphia already at this time pay better than four per cent of their hard earned wages to the municipality of the city of Philadelphia for some of these services. These additional tax dollars provided in this particular bill certainly then would be additional tax dollars from our suburban areas into the city. Mr. President, we feel that they could be much better utilized in the suburban area.

Senator SMITH. Mr. President, I rise to oppose the amendments.

The gentleman from Fayette, Senator Lincoln, the last time we considered House Bill No. 1623, amended the bill to take care of the deficiencies in the amount of \$8.4 million, which is more than sufficient to take care of whatever deficiency had arisen by the agreement of last year prior to the budget.

Mr. President, just let me refresh our memories by saying that in 1978-1979, to education we offered \$1,387,145,000. In the fiscal year 1979-1980, we offered \$1,495,400,000. That is \$108,255,000 over the amount for the prior year of 1978-1979.

Mr. President, if you look over the last three fiscal years, in the 1978 fiscal year we appropriated \$50 million. In 1976-

1977, we appropriated \$100 million. We have lived up to our expectations, to our commitments to education and I ask for the defeat of these amendments to House Bill No. 1623.

Senator BELL. Mr. President, I am very disappointed that the gentleman from Philadelphia, Senator Smith, dodged the question. The question that was submitted by the gentleman from Delaware, Senator Loeper, was to cut out \$11 million of pork barrel largely for Philadelphia and Allegheny County. That is what this does and what these amendments do are to replace this pork barrel with money for public schools throughout all of Pennsylvania.

What the gentleman from Delaware, Senator Loeper, is doing this week and what I was trying to do last week is try to point out to all Members of the Senate that all of Pennsylvania should not have to pay for the Philadelphia Police Department's shortages. All of Pennsylvania should not be taxed to make up the shortages in Philadelphia City's police budget and the money going to Allegheny County is obviously to get the support of Allegheny County's Senators.

This is pork barrel at its worst. What the amendments of the gentleman from Delaware, Senator Loeper, are attempting to do are to turn this pork barrel into much needed money for our public schools, distribute it throughout the Commonwealth according to the reimbursement fraction, so that I, in my district, will get one-fiftieth, so every Senator can take to the public schools in his or her district the fair proportion of this \$11 million.

After all, we are not just a bunch of trained seals. What Philadelphia wants, Philadelphia gets. I say what is fair for one Senator's district should be fair for all of us.

Mr. President, I know the Senate turned down my attempts to appropriate this money to our State colleges. Do not let the Senators on the Democratic side vote to short-circuit and take money from your public schools that would be available to you.

I say, Mr. President, Allegheny County and Philadelphia are trying a treasury raid and this money ought to go to our schools if it is available.

Senator ROMANELLI. Mr. President, I sat by last week and I attempted to get up and make a statement and I sat back down. I am up again this week because I cannot sit by and listen to any more of this charade from the gentleman from Delaware, Senator Bell.

Mr. President, I am reading from the Journal of June 25, 1979 when the gentleman from Delaware, Senator Bell, had a chance to vote for schools in his district and schools all over the Commonwealth of Pennsylvania and his amendments, a charade of an amendment, last week did the same thing as the amendments of the gentleman from Delaware, Senator Loeper, do today. They both voted "no" on Senate Bill No. 498 last year when they had a chance to fund higher education and the schools in Pennsylvania.

Senator BELL. Mr. President, I am very happy that the gentleman from Allegheny, Senator Romanelli, rose in righteous indignation because I wonder how much of this honeypot he is taking home.

Senator ROMANELLI. Mr. President, I am out to take care of my district.

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

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

YEAS—20

| | | | |
|----------|------------|------------|------------|
| Andrews, | Greenleaf, | Jubelirer, | O'Connell, |
| Bell, | Hager, | Kusse, | Price, |
| Corman, | Hess, | Loeper, | Reibman, |
| Dwyer, | Holl, | Manbeck, | Snyder, |
| Gekas, | Hopper, | Moore, | Stauffer, |

NAYS—28

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

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

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

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

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I find the terminology used by the gentleman from Delaware, Senator Bell, referring to the contents of this bill in its present state, House Bill No. 1623, Printer's No. 3068 as pork barreling at its worst. I am not so sure I can agree because in a way each of us respects the motivations of the other to work to obtain as much as possible from the Commonwealth treasuries for our particular districts.

What disturbs me, Mr. President, is that we are commencing here with a very significant amount of money of the Commonwealth into what I believe is yet a nonadopted policy on the part of this Commonwealth government. I am referring, of course, to the municipal overburden monies. It seems rather inconsistent in a way to me when we look at the terminology before the particular appropriations, we talk about providing for the reimbursement of expenses for police departments for highway patrol and traffic regulation on interstate highways within the boundaries of Philadelphia.

It is rather shocking to me that we would use that kind of terminology and not make the same general application throughout the Commonwealth. Likewise, we do the same thing for Allegheny County. Then we move down into the list and litany of the municipal beneficiaries in terms of properties in lieu of real estate taxes. I see no common denominator, no relevancy of the figures involved. No one has given any calculations as to how and for what.

Indeed, Mr. President, we know in the great city of Philadelphia, the Mayor has indicated it is not going to preserve any

terminations that have been made in those departments. What this becomes then is a supplement.

Ordinarily, I would not particularly care too much, but then the most contrasting policy I find is a reduction in the amount of monies we are going to give to municipalities to assist them in preparing for sewage systems.

Now many of us who come from municipalities that are of long duration have a lot of facilities of modern age, but I happen to be in a rather rural part of this Commonwealth in many parts of my district. I believe we are cutting by twenty-five per cent the amount of money for sewage planning and I know how much each one of these dollars is so very important.

I find it totally inconsistent. I am not obviously going to belabor the point, but I do not know how any one of us without any commitment of a matter of policy to which this Commonwealth is becoming committed when we have such pressures already existing in the areas of the essential services of this Commonwealth in the form of what has been discussed earlier, education both for the secondary and the higher level, as well as taking care of the health cares we have been hearing about greatly in the last few weeks in this area, both in institutional and noninstitutional, the highway situation, the PennDOT road structure. It just is shocking to me to believe we can start spending these millions of dollars of which each one of us could be applying to already committed and more essential governmental services.

Mr. President, I think it is a dangerous commitment and I cannot vote for the bill accordingly.

Senator SMITH. Mr. President, I will try to correct the gentleman from Westmoreland, Senator Kelley. If the gentleman would look at line 21 on page 7, he will note there is \$11,700,000. It has been increased by \$200,000 by the amendments.

If the gentleman would look at line 24 on page 7, we reduced the amount of \$100,000.

If the gentleman will look on line 29, he can note that we reduced it by \$100,000.

If he would go back now to line 21, we increased it by \$200,000.

So there was no decrease as the gentleman from Westmoreland, Senator Kelley, would have us believe.

This, Mr. President, was done by the Administration and at their request, we complied. If the gentleman from Westmoreland, Senator Kelley, would read the bill properly, he would see there was no reduction other than moving from one line to another.

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

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

Senator SMITH. I will, Mr. President.

Senator KELLEY. Mr. President, directing the gentleman's attention to page 7, lines 27 through and including line 30, the specific appropriation which is currently the law is \$400,000 for grants to counties, municipalities and authorities to assist them in preparing for official plans for sewage systems. Is that not correct, Mr. President?

Senator SMITH. That is correct, Mr. President.

Senator KELLEY. Mr. President, House Bill No. 1623 reduces that amount of money by \$100,000 or twenty-five per cent; is that correct, Mr. President?

Senator SMITH. That is correct, Mr. President.

Mr. President, may I again tell the gentleman from Westmoreland, Senator Kelley, that Environmental Resources themselves requested that this reduction be put in and remove that into line 21 where we increased it by \$200,000.

Senator KELLEY. Mr. President, the gentleman is relying on the request of the departments of this Administration in the contents of House Bill No. 1623. Could the gentleman tell us whether or not the litany beginning on all of page 8 and most of page 9 to the municipalities was part of the Administration request?

Senator SMITH. Mr. President, would the gentleman repeat the page and the lines please?

Senator KELLEY. Mr. President, I ask the gentleman if the particular litany of grants of Commonwealth money to the respective municipalities listed on pages 8 and 9 were a part of the request of this Administration?

Senator SMITH. Mr. President, they were not a request of the Administration.

Mr. President, I heard two expressions here this evening. One was by the gentleman from Delaware, Senator Bell, something about pork barrel. In Philadelphia we do not understand the term pork barrel. Philadelphia is a progressive city, built by people with knowledge and know-how, who want to move forward towards a new day in politics. If there are such things as pork barrel politics, it must belong in Delaware County. I have yet to hear the term in Philadelphia.

To the gentleman from Westmoreland, Senator Kelley, I say "Senator Kelley, you one day will come back to the floor of the Senate and you, Senator Kelley, will understand what most of us are trying to do, to acknowledge a fact that has existed over many a years that the great cities and, yes, most of the municipalities have been short changed, and we are simply living up to a dedication—"

POINT OF ORDER

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

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

Senator KELLEY. Mr. President, I make a point of order that the Senate is not in order when conversations are going on while a gentleman is trying to speak to this Body.

Senator SMITH. Mr. President, I thank the gentleman from Westmoreland, Senator Kelley, for I have been told many times I have a foghorn voice and those people in the corner would never bother me. I can hear myself and I expect the gentleman can hear me.

Senator STAUFFER. Mr. President, in House Bill No. 1623, there are a number of very desirable items that I support, nursing home monies particularly and some of the other things that are of particular need throughout the Commonwealth.

Mr. President, in the process of the consideration of this bill, however, there have been a number of items added that have

reallocated or added millions of dollars of spending to this bill that are questionable at best in my mind and basically and fundamentally I believe the people in my district would not support. I believe it would be an irresponsible vote on my part if I were to support them.

So with great reluctance, because I dislike voting against items that I feel are important, I believe the negative issues are compelling in this case, I will be forced to cast a vote in the negative.

Senator HAGER. Mr. President, I think the gentleman from Chester, Senator Stauffer, has stated well the dilemma of many of the people on the floor of this Senate and, of course, it is a dilemma which has been recognized before and those legislative engineers among us, particularly in the Committee on Appropriations, have learned their lessons very well. They know the way to slip some poison to some of the smaller counties and make sure that the medicine needed for Philadelphia gets there and that is to sugar coat it with some small amount of appropriation for those counties where it is necessary to get votes.

Mr. President, there are, of course, some counties who get a little more of the sugar coating. I think it is interesting to see that Lackawanna County is getting a very large coating of sugar. But the pill still is poison. It carries within it that age old disease, let everyone from outside of Philadelphia fund Philadelphia's municipal problems and Philadelphia will find a way to put just enough sugar in it to get enough votes from some other places.

What is really so pernicious about this approach is, that as of April 23, 1980, while we are on recess, the State Police of Pennsylvania will run out of money. There will not be sufficient money to pay the State Police on the 23rd of this month. When we raised that issue last week, and offered amendments to this bill to make sure that there was sufficient money to pay the State Police through the period that we are going to be in recess because of the Primary Election, it was voted down almost on strict party lines.

Mr. President, there is another approach which I recognize from the past Administration and I think it should be called to the attention of the people in this room. The gentleman from Philadelphia, Senator Smith, who is the Chairman of the Committee on Appropriations last week was saying, "We do not need the money for nursing homes because we will not have to pay that money until next fiscal year." That is an echo of Milton Shapp.

That is exactly how Milton Shapp passed his last budget by saying "Do not worry about the medical assistance bills, we will roll \$40 million of them into next year." They did exactly that and as you may recall, Mr. President, the first year of Governor Thornburgh's Administration, we were required to continue a tax which had been raised two years before just because of that kind of economic principle. That economic principle, we might call it a Shapp-shape budget, is do not pay the bills this year, do not appropriate the money this year, let us put forward until tomorrow, with that same old credit card approach, the bills which we can put off until tomorrow and spend everything we have today on favorite programs where we can muscle the votes.

Mr. President, we are doing it again. I am confident in my heart that it will pass with the same kind of votes that these various amendments have been voted down. But there is something even more pernicious so far as I am concerned. President Carter at long last has pointed to some serious economic problems which this country has.

Mr. President, I realize that these words are unwelcome over there; nonetheless I think that they should be said.

The fact is the President of the United States has pointed to some severe economic problems which should have been evident to him a long, long time ago, but finally he has recognized them. One of the things he is suggesting is an end to revenue sharing. These cities, particularly Philadelphia, are going to be looking for something as scarce as hen's teeth if the President carries forward what he says he is going to do. If there is an end to revenue sharing, there is going to be a need in these cities because mostly the funds we are talking about in revenue sharing are pass through funds. They are not State dollars, they do not come to the State, they go directly to the counties, the cities and all the municipalities.

Mr. President, in the face of this, to say that there is money which is now available so let us spend it, seems to me to be another carry-forward of Milton Shapp's fiscal policies. Of course the gentleman from Philadelphia supported them then, the gentleman from Philadelphia was the person who was the chief architect of those kinds of approaches to the budget then, and they led us to the kind of trouble we were in then.

Mr. President, it seems to me that although I have, for instance, two State colleges in my district and I understand the neat little system of putting in a little extra money for the counties in which there are State colleges, it seems to me that I am unfair to all the people of this Commonwealth if I do not brand this for what it is—sugar coated poison—and vote "no" and ask the others to do the same thing.

Senator LEWIS. Mr. President, let me first point out for the benefit of the gentleman from Lycoming, Senator Hager, since he is interested in the President's proposal with regard to revenue sharing, that it relates merely to the elimination of the State's share of Federal revenue sharing and not to that of the local municipalities. Some of those of us who have had occasion to have to study Federal economic issues a little bit more closely in the last few weeks have discerned that fine distinction.

Mr. President, I think the gentleman's fears about the elimination of Federal revenue sharing for municipalities, while certainly genuine, are unfounded because those proposals are not now being made.

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

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

Senator SMITH. I will, Mr. President.

Senator LEWIS. Mr. President, as I begin I want to apologize to the gentleman and to my colleagues because while I have concentrated my interest in the last few days on the middle pages of House Bill No. 1623, and the payments in lieu of taxes which I support, I had not taken the time to go back and review the bill all the way through the final pages and just now had the

occasion to look at page 13. If I had reviewed it earlier, I am certain the gentleman could have answered my question. But in looking at page 13, Mr. President, I am confused because lines 5 through 9 relate to the monies of the Local Government Commission. An addition has been made that states the monies of the Commission are being allocated upon presentation of requisitions for the same from the Chairman to be paid on warrants of the State Treasurer, directly to and in favor of the person named in the said requisition.

Mr. President, my question is: I thought that this language or language similar to this, in fact, had been adopted by this Legislature in the omnibus budget bill of last year. I wonder if the gentleman could help me on that recollection?

Senator SMITH. Mr. President, if you recall, if you go back to line 5 on page 13, the language now in House Bill No. 1623 was omitted in the original bill and we are simply putting, as requested, into the bill to cover our deficiency of not being incorporated in the original appropriation bill.

Senator LEWIS. Mr. President, again my recollection from the General Appropriations bill was that this language was in fact to be included with regard to the appropriations for all of the legislative commissions. Does the gentleman know, Mr. President, has that been done but for the exception of the Local Government Commission?

Senator SMITH. Mr. President, it was done other than Local Government and Joint State Government. That is the only two that were omitted.

Senator LEWIS. Mr. President, is there any reason why similar language has not been adopted for the Joint State Government Commission?

Senator SMITH. Mr. President, my memory has been refreshed. As I understand it, the Joint State Government Commission, the Members asked that it not be incorporated into the General Appropriations bill and also into House Bill No. 1623.

Senator LEWIS. Mr. President, my purpose in making the inquiry is not to attempt to form an opinion about that here today. Let me say that I wholeheartedly support the inclusion of this language for the Local Government Commission and, in fact, we in the Commission have been working with regard to the disbursements of that service agency with the presumption that we were bound to this type of procedure and I commend the gentleman for discovering the failure to include that in the General Appropriations bill and now including that language, albeit, the Commission having worked under that type of voucher system for the last fifteen or sixteen months. I think it is fair to say on behalf of the Commission that we welcome the inclusion of this language in House Bill No. 1623.

Senator PRICE. Mr. President, it is not with any great enthusiasm, but a great deal of discomfort that I am going to vote against House Bill No. 1623. I certainly do not enjoy voting either against nursing homes or Philadelphia for that matter. But with respect to Philadelphia, Mr. President, here we have a suggested appropriation which has not been asked for by the mayor. Of course, if it is offered, he will take it. What else could he do? But in two days the mayor of the city is going to present his budget. I think we will be in a much better position at that time and in the future and I certainly hope that I can look for-

ward to the day when I can support the requests that come from the Mayor of the city of Philadelphia for the needs which obviously exist there, but this is premature. The most important overriding issue though is that we owe bills which are not being paid today.

The medical assistance payments to my satisfaction have been proved to be due and owing and if we put those off for another day, we are just buying more trouble.

For that reason, Mr. President, I will vote "no."

Senator O'CONNELL. Mr. President, I would like to indicate I intend to vote in opposition to the passage of House Bill No. 1623. I do it because the amendments that I offered last week were an attempt to indicate to the public and particularly to my constituents exactly what was happening in this appropriation bill.

I come from an area where on occasion a vote for Philadelphia is a very controversial subject. But on the other hand, I have supported them in almost every instance because in the non-preferreds and some of the other areas, I frankly believe that we in the northeast benefit by those cultural institutions, by some of the zoos, by the airport, by the hospital complexes and by a lot of other services they provide and we should fairly participate in sharing some of that municipal overburden.

The problem I have here, Mr. President, in my mind and in my own heart, is the fact that this one is pork barreling. I believe if there is going to be a distribution, it ought to be an equitable distribution and I ought to really be able to carry a little of that bacon home to my constituents because it is totally unfair to take this kind of money and lump it in two major areas. I know what the nursing home problem is. I am besieged with letters and correspondence in regards to that particular problem. It is unfortunate that it has to be part of this. But so be it.

Mr. President, it is my intention to vote in opposition to it in hopes that we might be able to put a little more equity into the distribution of the monies that are available.

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

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

Senator SMITH. I will, Mr. President.

Senator STAUFFER. Mr. President, in response to the interrogation of the gentleman from Bucks, Senator Lewis, with regard to the language amended into House Bill No. 1623 on page 13, lines 5 to 9, the gentleman from Philadelphia, Senator Smith, indicated that the Joint State Government Commission part of the appropriation bill had not been similarly amended because of a request of the members of the Joint State Government Commission.

I wonder if the gentleman from Philadelphia, Senator Smith, would respond to the form in which he received that information from the Joint State Government Commission?

Senator SMITH. Mr. President, in the course of putting together a General Appropriations bill, there is much correspondence. We had correspondence with different bureaus, departments, with the commissions, and they, the members, ask that it not be incorporated, Mr. President.

Senator STAUFFER. Mr. President, could the gentleman from Philadelphia, identify who those members would be by name?

Senator SMITH. Mr. President, I do not know who is on the Joint State Government Commission.

Senator STAUFFER. Mr. President, the reason I raised the issue and I think the gentleman's response is very timely to my raising this issue is the fact that I happen to be the Vice-Chairman of the Joint State Government Commission and I can report that there has never been a meeting in which this matter was discussed. I certainly never either personally or in groups requested this. I have also checked with the gentleman from Lycoming, Senator Hager, who happens to also be a member of the Joint State Government Commission Board. He tells me he was never queried on this particular issue and I am very curious and somewhat upset that we are informed that a Commission of which I serve as Vice-Chairman has made a request of which I am totally unaware. I am very concerned about that, Mr. President. I wonder if the gentleman from Philadelphia, Senator Smith would have any further recollections on the nature of that request?

Senator SMITH. Mr. President, I think if the Vice-Chairman has an employee by the name of Don Steele, I would have him turn to a Mr. Don Steele and your Executive Director. They are the ones who informed me as to deleting the language in House Bill No. 1623.

Mr. President, for all the things the gentleman accuses me, I do listen when people ask for favors. I may be that pork barrel politician and all those things that you give to me, but Mr. President, when the gentleman comes to my office, he gets his request.

Senator STAUFFER. Mr. President, I wish the gentleman would understand I have made no accusations at all. I merely raised a question which concerns me and I guess in ending this interrogation, I would point out to him that Mr. Steele is an employee of the Commission and that in the future, I would suggest that he not be the source of a recommendation like this but the request and the signatures of the members, the officially designated members of that Commission should be the source for the requests of that type.

Senator BELL. Mr. President, very briefly, because Members of the other party like to quote from context like you voted on such and such on June 24th, and I do not always carry a journal with me, I want to say why I am voting against House Bill No. 1623. I think we are going into a dangerous precedent to take State money and pay the salaries of municipal policemen on interstate highways.

On the way up here today on Interstate 95, which also passes through my district, I saw a city of Chester Police Officer stop two trucks. If Philadelphia is to get money for municipal policemen on interstate highways, so should every other municipality that has their police on these highways, every township, borough and city.

But even more dangerous than that, I am hearing rumblings from our schools. Our schools say next year they are not going to get enough money from the State and this money that is going into Philadelphia and Allegheny County with this bill could

be going into those schools.

About 10:30 this morning, I was visited by twenty to thirty students from Cheyney State College. I asked them if they were from my district and I thought they said yes, but then after I was talking with them, I found that most of them were from Philadelphia. I told them to go talk to their own Senators.

Those State college students at Cheyney State College, all but two of them were black, told me what I told you folks here last week. If there is \$150 increase on tuition at our State colleges, there is going to be a large number of State college students that will have to drop out and lose their education.

Again, our choice on the amendments, and yes, on this bill itself, is a choice of priorities. Should this money, the State's money, have the top priority to pay the policemen's salaries in Philadelphia or should it go for State purposes?

Now, that is why I am voting "no" on House Bill No. 1623, Mr. President.

Senator HAGER. Mr. President, I want to join the gentleman from Chester, Senator Stauffer, in expressing some chagrin that someone for the Joint State Government Commission is apparently speaking for us and I know not a meeting has gone by that has not been attended by the gentleman from Chester, Senator Stauffer, or me and if the Executive Director of that Joint State Government Commission is making requests of the Committee on Appropriations concerning funding, I want to serve notice upon him from the floor of this Senate that he does not have my authority to do that nor does he have that of the gentleman from Chester, Senator Stauffer.

I also want to make it very clear that there was never any discussion at any of those meetings, all of which were attended by the gentleman from Chester, Senator Stauffer, most of which were attended by me, about any of this. Either the statement is incorrect that a request has been made or that request has been made without talking to the Republican Members of that Commission.

Mr. President, I desire to interrogate the gentleman from Bucks, Senator Lewis.

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

Senator HAGER. Mr. President, a large point was made by the gentleman from Bucks, Senator Lewis, that it was only the State's share of Federal revenue sharing which was perhaps in danger. I wonder if the gentleman would tell us where the State's share of Federal revenue sharing funds have gone in the past budgets and where they are budgeted to go in next year's budget?

Senator LEWIS. Mr. President, as the gentleman so well knows, the State receives about \$110 million in Federal revenue sharing which is about one-third of the total amount allocated for Pennsylvania from the Federal government and of that \$110 million, I believe a large portion of it is reimbursed to the counties for court administration costs. I think some of it is returned for educational supplements. I would certainly have to defer to the gentleman from Philadelphia, Senator Smith, as the Chairman of the Committee on Appropriations for the specifics.

But generally speaking, the largest portion of the State Federal revenue sharing monies is passed through to assist counties with some of their operational expenses.

Senator HAGER. Mr. President, I thought the record should be cleared. My own impression of what he said and I am sure that of most other people was that only the State would be hurt. But, just to set the record completely clear, all of the money except \$1,000 out of \$110 million went to local governments or education. That is saying that all of the money went to court costs, special education, county health departments, sewage grants or pupil transportation except for \$1,000 which was retained by the State.

Mr. President, it is very misleading to give the impression that local governments will not be hurt. I am sure all of you remember that of that \$24 million in court costs, \$14 million went to the city of Philadelphia. There was also an attempt to send another \$14 million, as I recall, to a special line item.

The point remains, Mr. President, that revenue sharing funds, all of which go really to local governments, to help with education, pupil transportation, local health offices, or court costs are in jeopardy. Yet here we are spending every nickel we can get our hands on legitimately and illegitimately.

Mr. President, I continue to ask for a "no" vote.

Senator KELLEY. Mr. President, since the gentleman from Lycoming, Senator Hager, is so interested in having the record absolutely clear, I would like to make that absolutely clear as far as the knowledge that is available in one of the statements he made to us about the deficiencies of the State Police monies.

Under memo dated February 28, from the House Committee on Appropriations and from Robert A. Bittenbender, the Secretary for the Budget, it was indicated that the State Police would not need additional funding until May 7. The pressure the House has had on the eighth day of the Calendar, a bill specifically to take care of that, so I do not feel the observation of the gentleman to the bill before us today is properly relevant and will be taken care of in the other vehicle in the other Body.

Senator HAGER. Mr. President, I will make available to all the Members of the Senate a letter delivered to my office today by Commissioner Dunn which points out that he has not sufficient funds to meet the payroll on April 23.

Senator KELLEY. Mr. President, I, too, met with Commissioner Dunn today and I told him certainly none of us in this Body or the other Body would want to have monies dry up where the members of the Pennsylvania State Police would not be compensated.

In dealing with government, I think when the source of the quote is from the Office of Budget and Administration I believe we are more responsible to rely on that communication rather than the particular office head himself.

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

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

Senator KELLEY. I will, Mr. President.

Senator HAGER. Mr. President, I wonder if the gentleman was told today by Commissioner Dunn that he could not meet the payroll of April 23?

Senator KELLEY. Mr. President, he told me that he has money available to make payroll for the next two pay periods, whatever date that takes us to. In pursuit of that, Mr. President, I went and made inquiry of the staff of the majority of the Committee on Appropriations of the Senate. I reviewed the matter with the documentations which I have just read to my colleagues and I am satisfied, Mr. President, knowing as well as the vehicle and the other party to which I have made reference, and I certainly believe, Mr. President, that neither of the two Bodies of this General Assembly have a monopoly on priority, of right or wrong, but I trust that the imminence of the time that the other Body and being in the Majority, the same as the Administration, that they would have accelerated any necessity if in true fact what the Commission said was the fact.

Therefore, Mr. President, in direct response to the inquiry, I was told that there was money for two more pay periods but I believe the greater reliance must be put on the communication that we received from the Office of Budget and Administration.

Senator HAGER. Mr. President, trusting without any justification to a shorter and more direct answer, I will ask the question again.

Mr. President, did the Commissioner point out to the gentleman from Westmoreland, Senator Kelley, that April 23rd was the pay day he could not meet?

Senator KELLEY. Mr. President, the communication precisely that the Commissioner gave to me today was that he had the money to make the next two pay periods. I do not know what date that was—

Senator HAGER. Mr. President, was the date April 23 mentioned to the gentleman?

Senator KELLEY. Mr. President, I do not have the recollection that the date of April 23 was mentioned. It could well have been. Most vividly I recall that the two pay periods is what the resources were to make the payments.

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—27

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

NAYS—21

| | | | |
|------------|------------|----------|------------|
| Andrews, | Hager, | Kelley, | O'Connell, |
| Bell, | Hess, | Kusse, | Price, |
| Corman, | Holl, | Loeper, | Reibman, |
| Dwyer, | Hopper, | Manbeck, | Snyder, |
| Gekas, | Jubelirer, | Moore, | Stauffer, |
| Greenleaf, | | | |

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

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

HB 1011 CALLED UP

HB 1011 (Pr. No. 3042) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar by Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

HB 1011 (Pr. No. 3042) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

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

Section 1. The title, act of June 18, 1941 (P. L. 137, No. 74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town and township," is amended to read:

AN ACT

Providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town and township or municipality which but for the adoption of a home rule charter would be a city, borough, town or township."

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, lines 9 through 13, by striking out ", act of June 18, 1941 (P. L. 137, No. 74), in line 9, all of lines 10 through 13, and inserting: of the act amended

Amend Sec. 1 (Sec. 1), page 1, line 16, by inserting brackets before and after "or" and inserting a comma immediately thereafter

Amend Sec. 1 (Sec. 1), page 1, line 16, by inserting after "township": or municipality which but for the adoption of a home rule charter would be a city, borough, town or township

Amend Sec. 1 (Sec. 1), page 1, line 19, by inserting brackets before and after "or" where it appears the last time

Amend Sec. 1 (Sec. 1), page 2, line 2, by inserting after "township,": or the chairman of the governing body of a municipality which but for the adoption of a home rule charter would be a city, borough, town or township.

Amend Sec. 1 (Sec. 1), page 2, line 21, by striking out "or" where it appears the first time

Amend Sec. 1 (Sec. 1), page 2, line 21, by inserting after "township": , or municipality which but for the adoption of a home rule charter would be a city, borough, town or township.

Amend Sec. 1 (Sec. 1), page 2, line 25, by striking out "or"

Amend Sec. 1 (Sec. 1), page 2, line 26, by inserting after "township": , or municipality which but for the adoption of a home rule charter would be a city, borough, town or township

Amend Sec. 2, page 3, line 6, by striking out "2." and inserting: 3.

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

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

AMENDMENT OFFERED

Senator KELLEY. Mr. President, I ask unanimous consent to offer an amendment to House Bill No. 1011.

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

AMENDMENT WITHDRAWN

Senator KELLEY. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDENT. The Chair hears no objection. House Bill No. 1011 will go over in its order, as amended.

SB 1262 CALLED UP

SB 1262 (Pr. No. 1651) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar by Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

SB 1262 (Pr. No. 1651) — Considered the third time,

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

Amend Sec. 3 (Sec. 7), page 5, line 2, by striking out "appraisal" and inserting: market

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 KELLEY.

HB 1787 CALLED UP

HB 1787 (Pr. No. 3014) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 2 of the Third Consideration Calendar by Senator SCANLON.

BILL ON THIRD CONSIDERATION AMENDED

HB 1787 (Pr. No. 3014) — And the question recurring,

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

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

Amend Sec. 1, (Sec. 510), page 1, line 15, by inserting after "YEAR" where it appears the second time: and after the beginning of the fiscal year, the commission may request a supplemental estimate

Amend Sec. 1 (Sec. 510), page 1, line 15, by inserting after "ESTIMATE": and any requested supplemental estimates

Amend Sec. 1 (Sec. 510), page 2, line 16, by inserting after "BUDGET": or supplemental estimates or budgets

Amend Sec. 1 (Sec. 510), page 2, line 27, by inserting after "BUDGET": and any proposed supplemental budget

Amend Sec. 1 (Sec. 510), page 3, line 2, by inserting after "BUDGET": No supplemental budget request shall be utilized until it is approved by the General Assembly.

Amend Sec. 1 (Sec. 510), page 3, line 3, by inserting after "BUDGET": or any supplemental budget

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 SCANLON.

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 STATE BOARD OF EDUCATION

March 24, 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 November 16, 1979, for the appointment of Ms. Barbara Hackman Franklin, R. D. Newmanstown 17073, Lebanon County, Forty-eighth Senatorial District, as a member of the State Board of Education, to serve until October 1, 1985, and until her successor is appointed and qualified, vice Mrs. Gladys B. McNairy, 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 PHILADELPHIA STATE HOSPITAL

March 24, 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 November 23, 1979, for the reappointment of Mrs. Marie Kelly Logan, 2226 Napfle Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified.

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

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:

MEMBER OF THE PENNSYLVANIA GAME 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 Elmer M. Rinehart (District Seven), 1875 West Main Street, Stroudsburg 18360, Monroe County, Twenty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

November 21, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul E. Hickes, Jr. (District Four), Stone Creek Road, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, vice C. Clair Winter, Everett, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

November 21, 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 Edwin J. Brooks (District Eight), 331 North Broad Street, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1985, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

November 21, 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 Donald R. Craul (District Five), Box 648, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1985, and until his successor shall have been appointed and qualified, vice Andrew C. Long, Shamokin, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF COSMETOLOGY

November 20, 1979.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. Mary Serene, 209 Woodland Road, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until the third Tuesday of January, 1983, and until her successor shall have been appointed and qualified, vice Louis J. Aquilino, Canonsburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

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 Leonard P. Majikas, 312 McGuire Drive, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Mrs. Rose Marie Bailoni, Mount Carmel, whose term expired.

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FUMO,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator FUMO asked and obtained unanimous consent for

immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATIONS TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nominations reported from committee today and previously read by the Clerk for Elmer M. Rinehart, Paul E. Hickes, Jr. and Edwin J. Brooks, as members of the Pennsylvania Game Commission.

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

POINT OF INFORMATION

Senator O'CONNELL. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Luzerne, Senator O'Connell, will state it.

Senator O'CONNELL. Mr. President, do I understand that all of the Game Commissioners are going to be run as one unit or are they separated?

The PRESIDENT. The names of Elmer M. Rinehart, Paul Hickes, Jr. and Edwin J. Brooks will be run together under the gentleman's motion.

Senator O'CONNELL. Mr. President, I would request that Elmer M. Rinehart be run separately.

NOMINATION CALLED FROM THE TABLE

Senator FUMO. Mr. President, then I will withdraw my previous request and call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Elmer M. Rinehart, as a member of the Pennsylvania Game Commission.

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

Senator O'CONNELL. Mr. President, I would request a "no" vote.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—38

- | | | | |
|--------------|------------|------------|------------|
| Andrews, | Holl, | McKinney, | Ross, |
| Arlene, | Jubelirer, | Mellow, | Scanlon, |
| Bodack, | Kelley, | Messinger, | Schaefer, |
| Coppersmith, | Kury, | Moore, | Smith, |
| Dwyer, | Kusse, | Murray, | Snyder, |
| Early, | Lewis, | O'Pake, | Stapleton, |
| Fumo, | Lincoln, | Orlando, | Stauffer, |
| Guزندa, | Lloyd, | Reibman, | Stout, |
| Hankins, | Lynch, | Romanelli, | Zemprelli, |
| Hess, | Manbeck, | | |

NAYS—10

- | | | | |
|---------|------------|------------|---------|
| Bell, | Greenleaf, | Loeper, | Pecora, |
| Corman, | Hager, | O'Connell, | Price, |
| Gekas, | Hopper, | | |

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 Paul E. Hickes, Jr. and Edwin J. Brooks, as members of the Pennsylvania Game Commission.

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

NOMINATION TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Donald R. Craul, as a member of the Pennsylvania Game Commission.

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

Senator KURY. Mr. President, I want to take the floor briefly to express my support for the nomination of Donald R. Craul to the Pennsylvania Game Commission. I believe he is a qualified nominee and I think he will serve on that board ably.

Mr. President, I have known Mr. Craul for a number of years now. He is in the business of tree farming and producing evergreen trees in Union County and, I believe, also in Tioga County. I think he understands the out-of-doors and the work of the Game Commission and I think he will do an admirable job.

Mr. President, I am also supporting him because I think that the Pennsylvania Farmer's Association is supporting him and

they raised a very valid point. That is, that it is appropriate to have a landowner or a farmer serve on the Game Commission because of the importance of developing a proper relationship between hunters and the farmers on whose land much of the hunting in Pennsylvania is done.

Mr. President, I think Don Craul is the kind of guy that can bring about a better relationship there and to bring about that result. So I am pleased, Mr. President, to support my constituent Donald Craul's nomination to the Pennsylvania Game Commission and to urge my colleagues on both sides to join in voting "yes."

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—41

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

NAYS—7

| | | | |
|---------|---------|---------|--------|
| Bell, | Kelley, | Lynch, | Stout, |
| Bodack, | Lewis, | Pecora, | |

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 nomination reported from committee today and previously read by the Clerk for Leonard P. Majikas, as a member of the Board of Trustees of Danville State Hospital.

Mr. President, I also call from the table for consideration the nomination of Alfred B. Chieppor, as a member of the Board of Trustees of Philipsburg State General Hospital.

This nomination was previously laid on the table March 18, 1980.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE GENERAL HOSPITAL

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 Alfred B. Chieppor, 404 Duncannon Street, Philipsburg 16866, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1985, and until his

successor is appointed and qualified. vice James George Pollock, Philipsburg, 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, | Hager, | Loeper, | Price, |
| Arlene, | Hankins, | Lynch, | Reibman, |
| Bell, | Hess, | Manbeck, | Romanelli, |
| Bodack, | Holl, | McKinney, | Ross, |
| Coppersmith, | Hopper, | Mellow, | Scanlon, |
| Corman, | Jubelirer, | Messinger, | Schaefer, |
| Dwyer, | Kelley, | Moore, | Smith, |
| Early, | Kury, | Murray, | Snyder, |
| Fumo, | Kusse, | O'Connell, | Stapleton, |
| Gekas, | Lewis, | O'Pake, | Stauffer, |
| Greenleaf, | Lincoln, | Orlando, | Stout, |
| Gurzenda, | Lloyd, | Pecora, | 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.

NOMINATION TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Mary Serene, as a member of the State Board of Cosmetology.

On the question,

Will the Senate advise and consent to the nomination?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator ARLENE. 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 FUMO and were as follows, viz:

YEAS—14

| | | | |
|--------------|------------|----------|------------|
| Coppersmith, | Messinger, | Price, | Schaefer, |
| Early, | Murray, | Ross, | Stapleton, |
| Greenleaf, | Orlando, | Scanlon, | Zemprelli, |
| Kury, | Pecora, | | |

NAYS—34

| | | | |
|-----------|------------|-----------|------------|
| Andrews, | Hager, | Lincoln, | O'Connell, |
| Arlene, | Hankins, | Lloyd, | O'Pake, |
| Bell, | Hess, | Loeper, | Reibman, |
| Bodack, | Holl, | Lynch, | Romanelli, |
| Corman, | Hopper, | Manbeck, | Smith, |
| Dwyer, | Jubelirer, | McKinney, | Snyder, |
| Fumo, | Kelley, | Mellow, | Stauffer, |
| Gekas, | Kusse, | Moore, | Stout, |
| Guizenda, | Lewis, | | |

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.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED
OVER IN ORDER

HB 11 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED

SB 683 (Pr. No. 1609) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GEKAS offered the following amendments:

Amend Sec. 1 (Sec. 3), page 2, lines 12 through 23, by striking out all of lines 12 through 22, and "(7)" in line 23 and inserting: (5)

Amend Sec. 1 (Sec. 3), page 2, line 26, by striking out "(8)" and inserting: (6)

Amend Sec. 1 (Sec. 3), page 2, line 30; page 3, lines 1 through 6, by striking out all of line 30, page 2, all of lines 1 through 5 and "(10)" in line 6, page 3, and inserting: (7)

Amend Sec. 1 (Sec. 3), page 3, line 6, by striking out "SITES" and inserting: facilities"

Amend Sec. 1 (Sec. 3), page 3, line 15, by striking out all of line 15 and inserting:

(VII) Babcock and Wilcox, Apollo, Armstrong County.

(VIII) Babcock and Wilcox, Leechburg, Armstrong County.

Amend Sec. 1 (Sec. 3), page 3, line 16, by striking out "(VIII)" and inserting: (IX)

Amend Sec. 1 (Sec. 3), page 3, line 17, by striking out "(IX)" and inserting: (X)

Amend Bill, page 3, by inserting between lines 17 and 18:

(8) "Alert" means a fixed nuclear facility event involving actual or potential degradation of plant safety to include the potential for limited radioactive release

which causes, as a minimum, the alerting of key operational personnel.

(9) "Site emergency" means a fixed nuclear facility event which involves actual or likely major failure of plant functions needed for protection of the public and causes selective activation of the emergency management response mechanism.

(10) "General emergency" means a fixed nuclear facility event in process or which has occurred which involves actual or imminent core degradation or melting with the potential for loss of containment integrity and causes full activation of the emergency management response mechanism.

Amend Sec. 2 (Sec. 310); page 3, line 20, by striking out "EMERGENCY NUCLEAR INCIDENT" and inserting: Alert, Site Emergency or General Emergency

Amend Sec. 2 (Sec. 310), page 3, line 22, by inserting after "TELEPHONE":, radio, or the fastest means available

Amend Sec. 2 (Sec. 310), page 3, line 24, by striking out "EMERGENCY NUCLEAR INCIDENT." and inserting: alert, site emergency or general emergency.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

Senator HESS, on behalf of Senator MANBECK and himself, offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 3), page 3, line 23, by inserting after "AGENCY":, the county emergency management agency of each county located within a ten mile radius of said facility

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

HB 11 CALLED UP

HB 11 (Pr. No. 3065) — Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Second Consideration Calendar by Senator SCANLON.

BILL REREPORTED FROM COMMITTEE AS AMENDED
ON SECOND CONSIDERATION

HB 11 (Pr. No. 3065) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 885, 1251, 1252 and 1287 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED
AND REREFERRED

HB 1436 (Pr. No. 3054) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senators O'CONNELL and LINCOLN offered the following amendments:

Amend Title, page 1, line 5, by removing the period after "homes" and inserting: and providing a procedure for the review and approval by legislative committees of proposed State institution closings or substantial reduction in patients, inmates or staff.

Amend Bill, page 6, by inserting between lines 3 and 4:

Section 2. Article III of the act is amended by adding a subdivision to read:

ARTICLE III
STATE INSTITUTIONS IN THE DEPARTMENT
OF PUBLIC WELFARE
* * *

(f) Legislative Oversight

Section 361. Legislative review.—(a) It is hereby declared to be the legislative intent to promote the welfare of this Commonwealth by providing a review and approval process by certain committees of the General Assembly before any State hospitals or mental health/mental retardation centers are closed or before their staff or patient population are substantially reduced by department action.

(b) At least ninety days before the department schedules the closing of any State hospital or mental health/mental retardation center, or initiates a policy of staff reduction or patient or inmate transfer or outplacement which will result in a twenty-five percent or higher reduction during a twelve-month period of the staff, patient or inmate population of such State hospital or mental health/mental retardation center, the department shall notify the majority and minority chairmen of the Senate Public Health and Welfare Committee and of the House Health and Welfare Committee.

(c) Upon being notified of the proposed closing or a substantial reduction in staff or patients as provided in subsection (b), the House Health and Welfare Committee and the Senate Public Health and Welfare Committee shall promptly hold either joint or separate public hearings on the department's proposal to determine the impact on the patients, community and staff.

(d) The department shall not implement any proposed closing or substantial reduction in staff, patients or inmates as provided in subsection (b) until such time as the Senate Public Health and Welfare

Committee and the House Health and Welfare Committee, acting individually, each approve the department's proposed action and so notify the department.

Amend Sec. 2, page 6, line 4, by striking out "2." and inserting: 3.

Amend Sec. 3, page 6, line 16, by striking out "3." and inserting: 4.

Amend Sec. 4, page 6, line 19, by striking out "4." and inserting: 5.

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator O'Connell.

The PRESIDENT. Will the gentleman from Luzerne, Senator O'Connell, permit himself to be interrogated?

Senator O'CONNELL. I will, Mr. President.

Senator MELLOW. Mr. President, would the gentleman from Luzerne, Senator O'Connell, kindly explain what the amendments are?

Senator O'CONNELL. Yes, Mr. President, I will. This is a legislative oversight amendment and if it would help at all, this amendment is Senate Bill No. 1217, as amended, is really what it is. There were public hearings held on this particular concept several weeks ago and there was a lot of persons who appeared who had an interest in it and at first there were some who had opposition to it.

What it really in fact does is it sets up a legislative oversight provision and the legislative oversight would be conducted by the Legislative Budget and Finance Committee. They in turn would be the fact finding group that would compile the information. They then would report to the respective committees in the House and Senate on their particular finding. The intent of this is to try to have legislative input into a State hospital or an institution, mental health center, retardation center, or a State hospital prior to any particular consideration by the agency to phase it out or to reduce it, and the mechanics are suggested in the draft.

Senator MELLOW. Mr. President, would the gentleman from Luzerne, Senator O'Connell, just reaffirm his position that the Committee on Public Health and Welfare in both the House and Senate are not the ones who would have direct oversight but another committee?

Senator O'CONNELL. I am sorry, Mr. President, I am having a difficult time hearing.

Senator MELLOW. Mr. President, I thought during the remarks of the gentleman from Luzerne, Senator O'Connell, he indicated that a committee other than the standing committees in the House and Senate, the Committees on Public Health and Welfare in either Body, would have legislative oversight. Is that a correct statement?

Senator O'CONNELL. They would do the fact finding and turn all of those facts over to the respective committee, in this case it would be the Committee on Public Health and Welfare, for a review, yes, but the Committee on Public Health and Welfare would have oversight in the review. The fact finding would be done by the Legislative Budget and Finance Committee.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

MOTION TO REREFER

Senator SCANLON. Mr. President, I move that House Bill No. 1436, the bill just considered, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 1436 is rereferred to the Committee on Appropriations, as amended.

BILL REREFERRED

HB 1799 (Pr. No. 3069) — Senator SCANLON. Mr. President, I move that House Bill No. 1799 be rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator PRICE. Mr. President, I rise to speak against the motion to rerefer the bill which is on the fifth day.

POINT OF ORDER

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

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

Senator SCANLON. Mr. President, it is my understanding that a motion to rerefer is a nondebatable motion.

The PRESIDENT. The reason for rereferral is open to debate, but not the bill itself.

Senator PRICE. Mr. President, House Bill No. 1799 passed the House with only nine "no" votes. It has been the subject of a public hearing in Philadelphia and two committee hearings here in Harrisburg. I would ask for a roll call vote and urge all Members of the Senate to vote "no."

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

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

Senator SMITH. I will, Mr. President.

Senator LLOYD. Mr. President, would the gentleman from Philadelphia, Senator Smith, indicate the reasons that he feels this bill should be rereferred to the Committee on Appropriations?

Senator SMITH. Mr. President, just let me say that this bill will be worked on and by April 28, we will bring the bill back out again. The reason is I have never seen a more brazen attempt at a piece of legislation to be anti-labor nor have I ever seen a more classic way of putting the right-to-work into effect.

House Bill No. 1799 has to be amended to protect the individual employees. That is the reason I would ask the bill be put into the Committee on Appropriations.

Senator LLOYD. Mr. President, then just to clarify, it is the point of the gentleman from Philadelphia, Senator Smith, that

this bill will be brought out of the Committee on Appropriations during the next Session week?

Senator SMITH. It will be brought out the next week we are in Session, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

Senator PECORA. 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 SCANLON and were as follows, viz:

YEAS—24

| | | | |
|--------------|------------|------------|------------|
| Arlene, | Lewis, | Murray, | Scanlon, |
| Bodack, | Lincoln, | O'Pake, | Schaefer, |
| Coppersmith, | Lloyd, | Orlando, | Smith, |
| Early, | Lynch, | Reibman, | Stapleton, |
| Gurzenda, | Mellow, | Romanelli, | Stout, |
| Kury, | Messinger, | Ross, | Zemprelli, |

NAYS—22

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

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

The PRESIDENT. House Bill No. 1799 is rereferred to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION, SERIAL NO. 223, TAKEN FROM THE TABLE

Without objection, Senator SCANLON called from the table Senate Concurrent Resolution, **Serial No. 223**, entitled:

Memorializing President and Congress oppose taxation of social security benefits.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION, SERIAL NO. 223, ADOPTED

Senator SCANLON. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 223.

The motion was agreed to and the resolution was adopted.

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

UNFINISHED BUSINESS

SENATE RESOLUTION

DECLARING CHILD ABUSE AWARENESS WEEK

Senators ROMANELLI, SCANLON and BODACK offered

the following resolution (Serial No. 91), which was read as follows:

In the Senate, March 24, 1980.

WHEREAS, The Pittsburgh Jaycees are planning and implementing a successful child abuse awareness program by focusing public attention on child abuse; and

WHEREAS, The Pittsburgh Jaycees have begun a grass roots public awareness effort on a Statewide level by encouraging other Jaycee chapters to have their own child abuse projects; and

WHEREAS, The Pittsburgh Jaycees are helping the public understand the dynamics of child abuse and neglect in terms of the relationship between parent and child; and

WHEREAS, The Pittsburgh Jaycees are showing what can and is being done to deal with this problem, including legislative efforts; and

WHEREAS, The Pittsburgh Jaycees are showing available resources in order to help parents cope by learning alternative methods to deal with stress; and

WHEREAS, The Pittsburgh Jaycees are educating the public as to the indicators of child abuse through the distribution of child abuse material; therefore be it

RESOLVED, That the Senate of Pennsylvania declares the week of April 14 through 20, 1980 as Child Abuse Awareness Week; and be it further

RESOLVED, That a copy of this resolution be sent to the Pittsburgh Jaycees.

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 91, ADOPTED**

Senator ROMANELLI. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 91.

The motion was agreed to and the resolution was adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Paul Hertzog by Senator Messinger.

Congratulations of the Senate were extended to The Reverend C. L. Pollard, Howard C. Funk, Lorene Jacobs, Frank J. Pasquerilla, Mrs. Alma McClellan Cramer, Joseph Davis and to Charles Kunkle, Jr. by Senator Coppersmith.

Congratulations of the Senate were extended to Thomas R. Balaban, Esquire by Senator O'Pake.

Congratulations of the Senate were extended to Miss Wanda E. Burwell by Senator Romanelli.

Congratulations of the Senate were extended to Frank D. Durbree by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth J. Nelson by Senator Stapleton.

Congratulations of the Senate were extended to the 1979 Eagle Class of the East Valley Area Boy Scout Council by Senators Zemprelli and others.

Congratulations of the Senate were extended to Mr. and Mrs. Guy Bucher and to Mr. and Mrs. Arthur McCartney by Senator Hopper.

Congratulations of the Senate were extended to Ben F. Rosencrance by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Spacht by Senator Orlando.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Arthur B. Sinkler by Senator Snyder.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1135, 1137, 1162, 1246 and HB 1106.

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

PETITIONS AND REMONSTRANCES

Senator MELLOW. Mr. President, I realize the day has been a long one, but I ask for the indulgence for just a few minutes of the Members of the Senate who are still on the floor and the employees because I think it is extremely important that events that are taken in the past in some way be commented upon on the floor of the Senate.

Mr. President, my reason for rising this evening, is to call attention to the recent globetrotting of our Governor. In the last five months, he has traveled to the Soviet Union, to Japan and to China—more than any other Governor in our history and he is only in the fourteenth month of his Administration.

While there is nothing inherently wrong in Governor Thornburgh traveling, particularly when he portrays these travels as industrial development trips, seeking new trade for Pennsylvania companies and foreign investments in Pennsylvania. But more importantly and in particular in his last trip, Mr. President, to Japan and China, there is reason to question his motivation for the trip, the selection of those he chose to take with him and the degree of success that was attained according to his own words and his own remarks in the news conference he held Wednesday of last week.

Mr. President, we can see no visible result from this trip except that the taxpayers footed the bill for approximately \$45,000. What we can see, are the puff-piece news articles allegedly authored by the Governor and his wife.

What we can see, Mr. President, are photos of the Governor giving buttons to the Chinese people he encountered on his tour of the Great Wall.

What we can see, Mr. President, is the spectacle of our Governor handing out thousands of balloons and pieces of bubble gum to Chinese children, like a scene from a B-grade fifties movie. The Governor, Mr. President, is living up to his reputa-

tion as a ribbon-cutting ceremonial Governor, high on rhetoric but low on performance.

We hope there is justification for the Governor's travels which will surface in the future. The taxpayer of the Commonwealth will be watching. I hope there are positive results for Pennsylvania and for its business and industrial interests.

But even then, Mr. President, the question must be asked: What contribution could Mr. Thornburgh's entourage have possibly made to make these successful efforts?

What contribution has Mrs. Thornburgh made to Pennsylvania's foreign trade and investment future that justifies the Commonwealth paying some \$5,000 for her trip?

What contribution, Mr. President, could his press secretary possibly have made to Pennsylvania's economic future that justifies the Commonwealth paying some \$5,000 for his tour?

I suggest that the contribution Mr. Critchlow made can be measured best in the fluffy news articles purportedly written by the Governor and his wife. And perhaps in whatever advances Mr. Thornburgh's subterranean campaign for Vice-President made as a result of his globetrotting.

And what contribution did his executive assistant make? Mr. President, we can find no record of his invaluable service to justify the taxpayers footing the bill for his \$5,000 jaunt.

Mr. President, I wish to point out to you that we have a Governor who appeared before the Joint Session of the Legislature as a bugler trumpeting his budget as being, and I quote from his words, "more with less" and then leaves on a foreign jaunt that would make the most cynical of us envious and can be best characterized as "less with more." More people, that is, than any sensible or reasonable person would think are necessary for any trip.

Our previous Governor, Mr. President, started foreign business development trips, with his very successful overtures to Volkswagen. The results are history. The plant is operating, 5,000 people today are employed and are working at that facility and the investment that we made to send Governor Shapp to Germany has repaid itself many, many times over.

But the most significant difference, Mr. President, in Governor Shapp's trips was that he took no vast entourage of persons with questionable needs to go.

He did not take his wife or his press secretary. And when he took a subsequent exploratory trip to Japan, he did not find the need once again to be accompanied by his wife or to have the conveniences of a press secretary or an executive assistant.

Mr. President, I doubt if all of the official foreign travel taken by the Shapp Administration in their successful venture and the Volkswagen deal and the Japanese trip cost as much as our present Governor has spent during his fourteen short months in public office.

We will watch with interest what benefits the Commonwealth derives from this junket and I, for one, will want to see the activities of Mrs. Thornburgh, Mr. Critchlow and others tied directly to the benefits we will feel from this trip.

If this cannot be shown, Mr. President, and I doubt that it can, then I think this recent trip can be and should be described very simply—it is nothing more than an exotic vacation for the Thornburgh family and their close political friends paid for un-

fortunately by the taxpayers of this great Commonwealth of ours.

Senator HAGER. Mr. President, I think it is probably much too early to judge the results of the trip taken by the Governor. I frankly join the gentleman from Lackawanna, Senator Mellow, in hoping that the results will mean new jobs for Pennsylvania.

A term which Governor Thornburgh used, which I have looked up in the dictionary and I am unable to find a definition for called "reverse investment." I suppose he means by that getting people from other countries to invest in Pennsylvania. There is nothing reverse, adverse or obtuse about that. I am just happy if it works.

Mr. President, I think the gentleman's comments about the Governor taking Mrs. Thornburgh along probably do not merit comment or a response and so I shall make none. But as to the value to this Commonwealth of the fourteen months of Governor Thornburgh, I think they resort to the people. Right now it would indicate overwhelming support, overwhelming approval and I think they would offer the same kind of support to a trip which is made in the hope that new business, new jobs for Pennsylvanians can eventuate.

If the gentleman and others within the sound of my voice are indeed as supportive of efforts to help bring jobs to this State, then I can suggest support for a lot of Thornburgh suggested programs which as yet remain unacted upon and, as a matter of fact, have not gotten many kind words by the Majority and the Senate. The welfare reform increase and the amount of funding for the Pennsylvania Industrial Development Authority, for the Pennsylvania Energy Development Authority, reduction of the size of State government which in fact has happened, requesting that we solve the problem of unemployment compensation, which I frankly consider to be the largest crisis this State faces now and perhaps has faced in all the time that I have been in government, all of those things are there. The way has been pointed by Governor Thornburgh and this Legislature does not have to go to China to solve those problems.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 25, 1980

| | | |
|------------|--|--------------------------------|
| 9:30 A.M. | FINANCE (to consider Senate Bills No. 419, 1172; House Bills No. 794, 1172 and 1252) | Senate Majority Caucus Room |
| 10:00 A.M. | EDUCATION (reconvened meeting to consider Senate Bills No. 1204 and 1254) | Room 188 |
| 10:30 A.M. | ENVIRONMENTAL RESOURCES (to consider House Bill No. 1840) | Senate Majority Caucus Room |

- 10:30 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 516, 536, 537, 539, 951 and House Bill No. 503) Room 633
- 11:00 A.M. JUDICIARY (a hearing on the nomination of Newton Taylor, Esquire, Huntingdon for Judge to the Court of Common Pleas) Senate Minority Caucus Room
- 12:00 Noon AGING AND YOUTH (to consider Senate Bill No. 324) Senate Majority Caucus Room
- off the floor RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations) Rules Committee Conference Room

WEDNESDAY, MARCH 26, 1980

- 9:30 A.M. PROFESSIONAL LICENSURE (Public hearing on Senate Bill No. 1013) Senate Minority Caucus Room
- 12:30 P.M. Senate Bill No. 1013
- 10:00 A.M. APPROPRIATIONS (Budget Hearing with the Department of Transportation) Senate Majority Caucus Room
- 1:30 P.M. Conference Committee on Senate Bill No. 65 Room 292

THURSDAY, MARCH 27, 1980

- 10:00 A.M. LABOR AND INDUSTRY (Public Hearing on Senate 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) Temple University Walk Auditorium, Ritter Hall, Philadelphia, PA
- 4:00 P.M.

FRIDAY, APRIL 11, 1980

- 10:00 A.M. INSURANCE (Public Hearing on Senate Bill No. 937 and related No-Fault Insurance matters) City Council Chambers, City Hall, Philadelphia, PA

THURSDAY, APRIL 24, 1980

- 9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on the oversight concerning child health programs) Senate Majority Caucus Room

THURSDAY, MAY 1, 1980

- 10:00 A.M. LABOR AND INDUSTRY (Public hearing on Senate 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) University of Pittsburgh, Pittsburgh, PA
- 4:00 P.M.

THURSDAY, MAY 15, 1980

- 10:00 A.M. LABOR AND INDUSTRY (Public Hearing on Senate 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) Penn State University, State College, PA
- 4:00 P.M.

THURSDAY, JUNE 5, 1980

- 10:00 A.M. LABOR AND INDUSTRY (Public Hearing on Senate 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) Senate Majority Caucus Room
- 4:00 P.M.

ADJOURNMENT

Senator SCANLON. Mr. President, I move that the Senate do now adjourn until Tuesday, March 25, 1980, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:01 p.m., Eastern Standard Time.