

# Legislative Journal

TUESDAY, MAY 13, 1980

Session of 1980

164th of the General Assembly

Vol. 2, No. 29

## SENATE

TUESDAY, May 13, 1980.

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

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

## PRAYER

The Chaplain, the Reverend Father JOSEPH M. PEASE, Pastor of St. Joseph's Catholic Church, Mechanicsburg, offered the following prayer:

Let us pray.

O God, founder of law and order, teach us Your ways in the world and in this life which we share together. Do not let us restrict You to a narrow ghetto labeled religion, but lead us to worship You in the fullness of life, as the Lord of law, of politics, economics and the arts.

To these Senators of ours, O Lord, give courage never to be swayed by the blandishments or the thunders of the galleries. May these Senators realize the power they have to bring Your good to all the people of this Commonwealth. To that end we acknowledge Your divine power controlling the destinies of peoples, and Your goodness we adore. Amen.

## JOURNAL APPROVED

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

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

## SENATOR ROSS TO VOTE FOR SENATOR O'PAKE AND SENATOR FUMO

Senator ROSS. Mr. President, I would ask for a legislative leave of absence for Senator O'Pake. I would also ask for a legislative leave of absence for Senator Fumo.

The PRESIDENT. The Chair hears no objection and the leaves are granted.

## COMMUNICATIONS FROM THE GOVERNOR APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented

communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

**SB 1233.**

## NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

## DISTRICT JUSTICE

May 13, 1980.

To 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 Carol J. Johnson, Star Route 1, Box 80, Hancock, Maryland 21750, Fulton County, Thirty-third Senatorial District, for appointment as District Justice in and for the County of Fulton, Class 4, District 03, to serve until the first Monday of January, 1982, vice Jay Pierce Gordon, resigned.

DICK THORNBURGH.

## HOUSE MESSAGES

### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 552**.

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

### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 770, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 770**, and has appointed Messrs. GEESEY, W. D. HUTCHINSON and BENNETT as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

## REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as committed **SB 1281**; as amended, **SB 303, 1280** and **HB 1111**.

Senator COPPERSMITH, from the Committee on Public Health and Welfare, reported, as amended, **HB 230**.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator ROMANELLI submitted the report of Committee of Conference on **SB 65**, which was placed on the Calendar.

### GUEST OF SENATOR PHILIP PRICE, JR. PRESENTED TO SENATE

Senator PRICE. Mr. President, it is with a considerable amount of pleasure that I introduce to the Members of the Senate Mr. and Mrs. William A. Wagner, Jr. from Philadelphia. I would be grateful if you would all give them your usual warm welcome.

The PRESIDENT. Would the guests of Senator Price please rise so the Senate may give you its traditional warm welcome? (Applause.)

### BILLS INTRODUCED AND REFERRED

Senator TILGHMAN presented to the Chair **SB 1412**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for costs to be charged in case of appeal from a summary conviction.

Which was committed to the Committee on Judiciary.

Senators BELL, GREENLEAF, GEKAS, JUBELIRER, TILGHMAN, STAUFFER and PRICE presented to the Chair **SB 1413**, entitled:

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), entitled "Public Official and Employee Ethics Law," redefining the term "executive-level State employee."

Which was committed to the Committee on State Government.

Senators BELL, GREENLEAF, GEKAS, JUBELIRER, TILGHMAN and PRICE presented to the Chair **SB 1414**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," making changes in the membership and compensation of the Pennsylvania Turnpike Commission.

Which was committed to the Committee on State Government.

Senator BELL presented to the Chair **SB 1415**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for late contributions and independent expenditures.

Which was committed to the Committee on State Government.

### RECESS

Senator ROSS. Mr. President, I request a recess of the Senate until 4:30 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:30 p.m., Eastern Daylight Saving Time.

### AFTER RECESS

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

### COMMUNICATION FROM THE GOVERNOR

#### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

#### MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE COLLEGE

May 13, 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 22, 1980, for the appointment of Kenneth B. Lee, Esquire, Eagles Mere, 17731, Sullivan County, Twenty-third Senatorial District, as a member of the Board of Trustees of Mansfield State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Harry B. Strickland, Ph.D., Scranton, whose term expires.

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

DICK THORNBURGH.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in amendments made by the Senate to **HB 2335**.

#### HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 963**, with the information that the House has passed the same without amendments.

### BILLS SIGNED

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

**SB 963** and **HB 2335**.

### SENATOR STAUFFER TO VOTE FOR SENATOR HAGER AND SENATOR MANBECK

Senator STAUFFER. Mr. President, I ask for a legislative leave of absence for Senator Hager and Senator Manbeck. Senator Hager is in the building on legislative business. He will probably return to the floor later.

Senator Manbeck has gone to a meeting outside the building on legislative business.

The PRESIDENT. The Chair hears no objection and the leaves are granted.

**SENATOR ZEMPRELLI TO VOTE FOR SENATOR REIBMAN**

Senator ZEMPRELLI. Mr. President, based on your consideration, I am requesting a legislative leave of absence on behalf of Senator Reibman.

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

**CALENDAR**

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

**SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1011**

**HB 1011 (Pr. No. 3124)** — Senator ZEMPRELLI. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1011, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILLS OVER IN ORDER**

**SB 323 and 543** — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 841 (Pr. No. 1671)** — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 841.

On the question,

Will the Senate agree to the motion?

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

**YEAS—49**

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

**NAYS—0**

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

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

**SB 1176 (Pr. No. 1606)** — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1176.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

**NAYS—2**

Andrews, Hager,

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

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

**FINAL PASSAGE CALENDAR**

**NONPREFERRED APPROPRIATION BILL OVER IN ORDER**

**HB 1924** — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

**THIRD CONSIDERATION CALENDAR**

**BILL OVER IN ORDER ON FINAL PASSAGE**

**SB 410 (Pr. No. 416)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator BELL. Mr. President, I would like to have somebody in the Majority to explain what a certain phrase means that is contained in Senate Bill No. 410.

It is on line 14, and its talks about ex officio members from other groups. I want to know what they mean by other groups or words to that effect. In other words it says, "Statewide organizations of general purpose and constituencies." Mr. President, I would like to know what that means.

The PRESIDENT. Senator Bell wishes to know if there is a member of the Majority who will consent to stand for interro-

gation on this bill.

Senator BELL. Mr. President, I am calling the Majority Leader's attention to line 14 of page 1, where they talk of representatives of "Statewide organizations of general purpose and constituencies" to be on the Student Advisory Board. In the event nobody in the Majority knows what it means, I am content that it go over until the lady from Northampton, Senator Reibman, is present. Mr. President, I do not know what it means.

Senator ZEMPRELLI. Mr. President, I think under the rule of legislative construction, this being an act that applies to Student Advisory Boards, that it would refer to Statewide organizations of Student Advisory Boards.

Senator BELL. Mr. President, the answer is sufficient for me.

Mr. President, what I cannot understand—and I know the Administrative Code pretty well—is that "Statewide organizations of general purpose and constituencies" does not mean anything, but it should say "similar purposes," then you would refer back to the students. What I am afraid of is this Secretary of Education is going to load this Board up with a lot of people who have no relation to the students.

Senator ZEMPRELLI. Mr. President, the gentleman's point may be well taken. The sponsor of the bill, the lady from Northampton, Senator Reibman, is not here, she is on legislative leave. Mr. President, for those reasons I would ask that the Chair change its ruling with respect to running the bill and consider the bill for going over at this time.

The PRESIDENT. Without objection, Senate Bill No. 410 will go over in its order on final passage.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 419 (Pr. No. 1785)** — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator BELL. Mr. President, once again I rise to ask a question of somebody over on the Majority side. I have read Senate Bill No. 419 very carefully and on page 2, it talks about investment of monies and it talks about investing them in commercial banks, but no place in that section does it say that those investments will be insured. I would like to be advised by someone who knows what is in this bill whether or not the State money put in these commercial banks will be insured.

Senator ZEMPRELLI. Mr. President, Senate Bill No. 419 is the bill of the gentleman from Bucks, Senator Howard, however, I feel confident to answer the gentleman's inquiry. The gentleman may recall last year we passed legislation dealing with commercial banks, savings and loan associations and credit unions that, in fact, insured all accounts that had not been insured by the Federal Deposit Insurance Corporation or similar organization for nationally chartered savings and loan associations.

The answer to the gentleman's question is by legislation other than Senate Bill No. 419, all such accounts are insured.

As a matter of fact, to remind the gentleman, there is no depository money in the Commonwealth of Pennsylvania, either in a commercial bank, a private bank or a savings and loan association either State-chartered or Federally-chartered, that is not covered by a degree of insurance equal to that that is afforded by the Federal Insurance Depository Association.

I would say to the gentleman that it is not incorporated in this legislation but, nevertheless, it is part of the law.

Senator BELL. A further inquiry, Mr. President, going to the next page where they talk about State depositories, what the Majority Leader says is correct, but I would like to call to the attention of the Majority Leader, this is not money deposited in State depositories, this is money invested in funds of commercial banks. I cannot find in this act where there is the insurance such as covered by Section 505(a) for money on deposit with depositories. We have some real screwed up commercial banks in this Commonwealth and elsewhere, and I do not want to see the Commonwealth money go down the drain because we in our haste to pass a bill did not require insurance.

Senator ZEMPRELLI. Mr. President, by Section (c) on page 2 of Senate Bill No. 419—and again I do not wish to usurp the sponsor's privilege with respect to this legislation—it specifically provides that the investment is in certificates of deposit of commercial banks domiciled in this Commonwealth. A certificate of deposit has the same standing with respect to insurance as an ordinary deposit to an ordinary savings account or regular account, so the insurance provisions are not to be distinguished by virtue of the use of the language investment because investment is broadly determined to be a form of deposit even though it appears to be a purchase of a security of an institution.

Senator BELL. Mr. President, I have another question because now the Majority Leader says absolutely they are insured. My next question is to what amount are they insured?

Senator ZEMPRELLI. Mr. President, the accounts were uniformly insured to \$40,000 for private lenders and private investors. However, there was an act passed by the banking assembly several years ago which required that each banking institution each day, deposit as security for public funds securities that have been defined within the act in at least the amount of the public funds, so that this being public funds would be covered to the full extent of the deposit by guaranteed certificates acceptable to the General Assembly in the form of municipal bonds, in those kinds of conservative investments that each day every banking institution acting as a depository would pledge for the public deposit, whether it be State, county or local government.

Senator BELL. Mr. President, I am now further confused because the Majority Leader has reverted to the word depository. What I am talking about are commercial banks. These are two separate sections.

In view of this confusion, Mr. President, I am going to vote "no" on the bill.

Senator ZEMPRELLI. Mr. President, I, of course, cannot subscribe to the gentleman's confusion. I think it is perfectly clear. I see no problem with the bill, although it is not my sponsorship, but I believe the gentleman from Bucks, Senator Howard,

has given this a great deal of thought.

Mr. President, I am prepared to vote for it because I believe it is a good piece of legislation.

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—48

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

NAYS—1

Bell,

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

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

SB 536 (Pr. No. 1675) — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 537 (Pr. No. 1676) — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 539 (Pr. No. 1677) — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 951 (Pr. No. 1101) — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator BELL. Mr. President, in reading Senate Bill No. 951 very carefully, it dredged up a skeleton from a couple years ago when we had extensive debate on this bill. Senate Bill No. 951 ostensibly covers the Allentown-Bethlehem-Easton Airport and it is so written that the municipal authority members can set rules and regulations concerning the flow of traffic. In other words, they can set up their own Motor Vehicle Code and have it enforced by their own police officers. When you go on the municipal airport between Allentown and Bethlehem, I think they call it the A.B.E. Airport, you are going to follow a different Motor Vehicle Code than the rest of Pennsylvania.

Mr. President, I do not like to see appointed members of a municipal authority enact their own criminal laws, because if you violate one of their local regulations with the force and effect of Senate Bill No. 951, you will be subject to fine and maybe imprisonment. I do not think we ought to delegate that to any airport authority commissioners.

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—46

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

NAYS—3

Bell, Kelley, Pecora,

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

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

SB 1083 (Pr. No. 1299) — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—35

Arlene,	Hess,	Manbeck,	Romanelli,
Bell,	Holl,	Mellow,	Ross,
Bodack,	Kelley,	Messinger,	Scanlon,
Coppersmith,	Kusse,	Moore,	Schaefer,
Dwyer,	Lewis,	Murray,	Smith,

Early,	Lincoln,	O'Connell,	Stapleton,
Fumo,	Lloyd,	Orlando,	Stout,
Gurzenda,	Loeper,	Pecora,	Zemprelli,
Hankins,	Lynch,	Reibman,	

NAYS—13

Andrews,	Hager,	Jubelirer,	Snyder,
Corman,	Hopper,	Kury,	Stauffer,
Gekas,	Howard,	Price,	Tilghman,
Greenleaf,			

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

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

BILL ON THIRD CONSIDERATION AMENDED

HB 1106 (Pr. No. 2450) — Considered the third time,

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

Amend Sec. 3, page 6, lines 27 through 29, by striking out "WHEN AN INSURANCE COMPANY HAS REASON TO BELIEVE THAT" in line 27, all of line 28 and "A PORTUITOUS NATURE," in line 29 and inserting: Whenever the investigation of a fire loss by an insurance company insuring the loss indicates that the probable cause of the fire loss was arson, then

Amend Sec. 3, page 7, line 4, by inserting after "AGENCY": and the insurance company may provide to any authorized agency any information it may have relating to a fire loss

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

BILL OVER IN ORDER

SB 1160 — Without objection, the bill was passed over in its order at the request of Senator COPPERSMITH.

BILL ON THIRD CONSIDERATION AMENDED

HB 1177 (Pr. No. 2867) — 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, lines 4 through 6, by striking out "AUTHORIZING TOWNSHIPS OF THE SECOND CLASS TO GRANT" in line 4, all of line 5 and "CABLE TELEVISION LINES," in line 6

Amend Bill, page 1, lines 12 through 20; page 2, lines 1 through 30; page 3, lines 1 through 28, by striking out all of said lines on said pages

Amend Sec. 3, page 3, line 29, by striking out "3" and inserting: 1

Amend Sec. 3, page 3, line 29, by striking out "OF THE ACT," and inserting: , act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481, No. 567) and

Amend Sec. 4, page 5, line 22, by striking out "4" and inserting: 2

Amend Sec. 5, page 6, line 29, by striking out "5" and inserting: 3

Amend Sec. 6, page 8, line 5, by striking out "6" and inserting: 4

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 STAUFFER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 2137 (Pr. No. 2718)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

#### YEAS—49

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

#### NAYS—0

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

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

#### SECOND CONSIDERATION CALENDAR

#### NONPREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

**SB 1366 (Pr. No. 1764)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL ON SECOND CONSIDERATION AMENDED

**HB 101 (Pr. No. 3299)** — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LYNCH offered the following amendments:

Amend Sec. 1 (Sec. 23), page 2, line 1, by removing the bracket before "BEGINNING"

Amend Sec. 1 (Sec. 23), page 2, line 4, by inserting a bracket before "ROUTE"

Amend Sec. 1 (Sec. 23), page 2, line 6, by inserting after "MILES.]:" Route 22084, in Dauphin County, a distance of about 0.659 miles. Also,

Amend Sec. 1 (Sec. 23), page 2, line 8, by striking out "ROUTE 22082" and inserting: Route 22084

Amend Sec. 1 (Sec. 23), page 2, line 11, by striking out "Route 22082." and inserting: Route 22084.

Amend Sec. 1 (Sec. 23), page 2, line 14, by striking out "0.967 miles" and inserting: 1.8 miles

Amend Sec. 2, page 2, lines 16 through 20, by striking out all of said lines and inserting:

Section 2. This act shall take effect as follows:

(1) Those provisions relating to Route 22084 shall take effect immediately.

(2) Those provisions relating to Route 22023 shall take effect immediately upon the completion of improvements to Crooked Hill Road as set forth in correspondence from Susquehanna Township to the Department of Transportation, dated March 14, 1980, as agreed to by the department and the township.

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 LYNCH.

#### BILL OVER IN ORDER

**SB 194** — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

#### BILL REREFERRED

**HB 227 (Pr. No. 3317)** — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator O'CONNELL offered the following amendments:

Amend Sec. 3 (Sec. 4561), page 18, line 4, by striking out "17" and inserting: 18.5

Amend Sec. 3 (Sec. 4561), page 18, line 4, by inserting after "circular"; or at the maximum rate set by the Internal Revenue Service as being deductible for Federal income tax purposes,

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, these amendments remove the fixed rate and provide a maximum rate as set by the Internal Revenue Service as being deductible for Federal income tax purposes, the rate that would be applicable for a person serving on jury duty.

Senator ZEMPRELLI. Mr. President, I would remind the Members of the Democratic caucus that we discussed House Bill No. 227 in connection with the several other bills here that the gentleman from Luzerne, Senator O'Connell, intends to amend. The impact of the amendments of the gentleman here would be to increase the mileage from seventeen to eighteen and a half cents, and I would only suggest to the Members of my caucus that we had agreed to oppose the amendments of the gentleman from Luzerne, Senator O'Connell.

Therefore, Mr. President, I would ask for a negative vote.

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

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

Senator GURZENDA. 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 O'CONNELL and were as follows, viz:

YEAS—15

Andrews,	Hess,	Manbeck,	Snyder,
Corman,	Jubelirer,	O'Connell,	Stauffer,
Dwyer,	Kusse,	O'Pake,	Tilghman,
Hager,	Loeper,	Price,	

NAYS—33

Arlene,	Hankins,	Lloyd,	Romanelli,
Bell,	Holl,	Lynch,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Early,	Kelley,	Murray,	Smith,
Fumo,	Kury,	Orlando,	Stapleton,
Gekas,	Lewis,	Pecora,	Stout,
Greenleaf,	Lincoln,	Reibman,	Zemprelli.
Gurzenda,			

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

And the question recurring,  
Will the Senate agree to the bill on second consideration?  
Senator O'CONNELL offered the following amendments:

Amend Sec. 3 (Sec. 4561), page 17, line 30, by striking out "\$9" and inserting: \$25

Amend Sec. 3 (Sec. 4561), page 17, line 30; and page 18, lines 1 and 2, by striking out "for the first three days in" in line 30, page 17; and all of lines 1 and 2, page 18, and inserting: for each day that

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

Senator O'CONNELL. Mr. President, these amendments strike out the \$9.00 for the first three days and inserts the amount of \$25 from day one.

Mr. President, I would ask that the Senate Members give it serious consideration and would appreciate an affirmative vote.

Senator ZEMPRELLI. Mr. President, what the amendments of the gentleman from Luzerne, Senator O'Connell, do is increase the per diem for jurors from \$9.00 to \$25 a day. It places that burden of cost upon the local counties and in the judgment of at least the majority of the Members of the Democratic caucus, it was agreed to oppose these amendments. For that reason, Mr. President, I am asking the Members of the caucus to in fact vote "no" on the amendments.

Senator O'CONNELL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator O'CONNELL. Mr. President, did I understand the gentleman from Allegheny, Senator Zemprelli, to say that the

entire cost is borne by the county?

Senator ZEMPRELLI. Mr. President, for the first three days where it increases the emolument from \$9.00 to \$25, it is my understanding, Mr. President, the cost does fall entirely upon the county.

Senator O'CONNELL. Mr. President, I cannot believe or cannot understand how this Body can consider the minimal amount of \$9.00 a day for jury duty. This is about as antiquated as the 18th Century. People have given of their time; they lose wages in many instances; they have to make themselves available, many times they are abused, they are in the courthouses and they are not called; they sit there idle while at the same time, there is a loss of wages. Even if this cost is borne by the county, it is time we get into the 20th Century and pay these jurors a fair and decent rate for performing this very important service.

Senator ZEMPRELLI. Mr. President, it has long been felt that a citizen's obligation to serve on a jury should be one of the responsibilities of good citizenship. Certainly to some, \$25 a day is not justification nor redress for the inconvenience and cost to parties involved.

Mr. President, this has been so recognized in so many corridors that even employers under contracts that are negotiated between employee and employer have for a long time recognized the need of employers to pick up the difference in the employment costs or the person's salary for serving on the jury. In my judgment, Mr. President, that is a direct response to the same matter of citizenship.

Quite frankly, Mr. President, I think the movement should be to abolish any compensation for jurors rather than to increase the emolument. I think it gives new meaning to the basic rudiments of our democracy and our individual responsibilities and a form of sacrifice that all of us should be willing to make from time to time. Particularly, Mr. President, since we have moved in the area of reform in jury selection on the one day, one jury concept, where if a person is not selected, he is regarded as having performed his duty and does not have to come the following day.

The combined efforts of the sacrifices made by the good citizen and his employer in compensating him, I think, are the proper modes in which to operate as opposed to increasing the emolument and placing the burden upon the respective counties in which we operate.

I am sure, Mr. President, there are many more salient factors that could be considered and understood, all of which would militate in favor of reducing or maintaining only this stipend of a consideration for the inconvenience of being a juror rather than intending to modify it into a basically bastard situation where it is neither beast nor fowl.

For that reason, Mr. President, I am asking the Members of my caucus to vote in opposition to the amendments.

Senator O'CONNELL. Mr. President, I appreciate the remarks of the Majority Leader but the day is long gone when people have that kind of dedication and that kind of commitment. That is evidenced in many areas of service in this Commonwealth and in other States across the Nation. I really believe it is out of date and we should be realistic in this matter. I have had many complaints over the years about the situation

and the circumstance where jurors are paid so little.

Mr. President, what I would like to suggest, you cannot put an additional burden on the employers. Some employers do make up and others cannot afford to do that. It is an undue burden to request that those employers be challenged or be charged with accepting that cost. It is a responsibility of this Commonwealth to run the system and that is where the cost actually belongs.

Mr. President, if there is going to be any benevolence then I suggest it come from the legal profession. Let them make a contribution to this so that it would be fair and just. I think that they are in a better position to bear that burden than any of the rest of us.

Mr. President, I ask for an affirmative vote.

Senator ZEMPRELLI. Mr. President, I have been involved in much litigation where I would have enjoyed the privilege of paying the juror for his services.

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

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

YEAS—8

Hess, Holl,	Kusse, Loeper,	O'Connell, O'Pake,	Stout, Tilghman,
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NAYS—40

Andrews, Arlene, Bell, Bodack, Coppersmith, Corman, Dwyer, Early, Fumo, Gekas,	Greenleaf, Gurzenda, Hankins, Hopper, Howard, Jubelirer, Kelley, Kury, Lewis, Lincoln,	Lloyd, Lynch, Manbeck, Mellow, Messinger, Moore, Murray, Orlando, Pecora, Price,	Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Zempirelli.
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MOTION TO REREFER

Senator ZEMPRELLI. Mr. President, at this time, I move that House Bill No. 227, Printer's No. 3317, be referred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 227 is rereferred to the Committee on Appropriations.

GUESTS OF SENATOR EDWARD P. ZEMPRELLI  
PRESENTED TO SENATE

Senator ZEMPRELLI. Mr. President, it is a privilege for me to have here today a very dear and close friend of mine, a colleague from my Senatorial District, who was a former councilman from the city of Clairton, and his wife, Mr. and Mrs. Bernard Watko. I would consider it very favorably if the Chair

would be kind enough to wish Mr. and Mrs. Watko a very warm welcome.

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

(Applause.)

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 256 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

HB 453 (Pr. No. 485) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 821 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 890 (Pr. No. 1017) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 1001 (Pr. No. 1762) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 1042 (Pr. No. 1240) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1060 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 1156 (Pr. No. 1763) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1172 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION

SB 1203 (Pr. No. 1482) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 1252 (Pr. No. 2459) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

#### AMENDMENTS OFFERED

Senator O'CONNELL offered the following amendments:

Amend Title, page 1, line 10, by inserting after "items": and supplies and materials to tourist promotion agencies

Amend Sec. 1 (Sec. 204), page 2, by inserting between lines 1 and 2: (40) The sale at retail of supplies and materials to tourist promotion agencies, which receive grants from the Commonwealth, for distribution to the public as promotional material or the use of such supplies and materials by said agencies for said purposes.

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, I have provided all of the Members of the Senate with the information pertaining to these amendments. Briefly what they attempt to do are to remove the fifty-four tourist promotional agencies in the Commonwealth from a taxable status into a tax exempt status in regard to the sales tax. It is a clouded issue. Rules and regulations have changed a number of times that have put these respective agencies in an untenable position. Presently they are in the taxable status and the Department of Revenue is doing a review of all of their expenditure which will cause them a great bit of difficulty. This is a case of the government giveth and the government taketh. I really would ask for support of this. It is a nominal amount and it would do a lot of good at a time of great need.

Mr. President, I ask for an affirmative vote on the amendments.

Senator ZEMPRELLI. Mr. President, I can thoroughly agree with the gentleman from Luzerne, Senator O'Connell, in theory. I see nothing wrong with his amendments, however, I do have a problem with procedure. There has been a request, and with justification, to maintain the pristine clarity and unpollutedness of House Bill No. 1252 and that it should go on the medal and merits of its provisions as it now stands in Printer's No. 2459.

Therefore, I would recommend to the gentleman that he introduce a separate bill to provide for his exemption, which I shall be pleased to support. In the meantime, I would ask that his amendments be defeated and that House Bill No. 1252, Printer's No. 2459, be passed in its original form.

Senator O'CONNELL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zempirelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator O'CONNELL. Mr. President, if I were to withdraw these amendments, what assurance would I have that such a bill would be released from committee?

Senator ZEMPRELLI. Mr. President, I would have no ability to make any commitment for the reason that I am not sure which committee it would be referred to. I can pledge to the gentleman my support for his proposition. As a matter of fact, I

believe in the past I have been the author of such legislation that also went nowhere. Conceptionally, I have not changed my view and it is a privilege for me to be supportive of your provisions inasmuch as the gentleman has not had the kind of luck that he would have liked to have enjoyed earlier today.

I would only be kidding the gentleman if I endeavored to suggest to him that I had the power to see that his bill would come out of committee under the circumstances. I would pledge the gentleman my support, however.

#### AMENDMENTS WITHDRAWN

Senator O'CONNELL. Mr. President, I will withdraw the amendments and take my chances.

Senator ZEMPRELLI. Mr. President, I thank the gentleman.

And the question recurring,

Will the Senate agree to the bill on second consideration?

#### MOTION TO REREFER

Senator ZEMPRELLI. Mr. President, I move that House Bill No. 1252 be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 1252 is rereferred to the Committee on Appropriations.

#### BILLS ON SECOND CONSIDERATION

SB 1257 (Pr. No. 1775), SB 1288 (Pr. No. 1619), SB 1299 (Pr. No. 1633), SB 1304 (Pr. No. 1639), SB 1316 (Pr. No. 1659), SB 1377 (Pr. No. 1748), SB 1378 (Pr. No. 1749) and HB 1585 (Pr. No. 2517) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

HB 1684 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

#### BILL ON SECOND CONSIDERATION

HB 1799 (Pr. No. 3294) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL REREFERRED

HB 2231 (Pr. No. 3300) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

HB 2239 (Pr. No. 2861) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### MEETING OF THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ZEMPRELLI. Mr. President, it is the intent of the Majority to run a substantial number of executive nominations for consideration. In order to do that, Mr. President, it is im-

portant that we have a meeting of the Committee on Rules and Executive Nominations. Upon completion of today's Calendar, immediately upon completion of resolutions, I would ask Members of the Committee on Rules and Executive Nominations to attend a brief meeting in the Rules Committee room. I would caution the other Members of the Senate to remain if they wish to be recorded on several of the executive nominations as there are some that are, in fact, controversial.

### CONSIDERATION OF CALENDAR RESUMED

#### SENATE CONCURRENT RESOLUTION, SERIAL NO. 233, CALLED UP

Senator ZEMPRELLI, without objection, called up from page 8 of the Calendar, Senate Concurrent Resolution, Serial No. 233, entitled:

Urging support for development of Legionville as a National Park and Historical Center.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION, SERIAL NO. 233, ADOPTED

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 233.

The motion was agreed to and the resolution was adopted.

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

### 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 THE CENTRAL YOUTH DEVELOPMENT CENTERS

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Jamie Marie Whitty, 4101 Spring Valley Road, Apartment B-2, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Rev. H. Garnett Lee, whose term expired.

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

DICK THORNBURGH.

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

May 13, 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 Richard D. Atkins, Esquire (Drug and Chemical Abuse), 419 Sixty-sixth Avenue, Philadelphia 19146, Philadelphia County, Thirty-sixth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1981, and until his successor is appointed and qualified, vice Sidney H. Schnoll, M.D., Philadelphia, whose term expired.

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

DICK THORNBURGH.

#### MEMBER OF THE PENNSYLVANIA SECURITIES COMMISSION

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the reappointment of Walter G. Arader, 600 Houston Road, Radnor 19087, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

#### MEMBER OF THE PENNSYLVANIA SECURITIES COMMISSION

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Robert M. Lam, 320 Waring Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Warren G. Terhorst, 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 PENNSYLVANIA SECURITIES COMMISSION

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Cole B. Price, Jr., P. O. Box 620, R. D. #7, Carlisle 17013, Cumberland County, Thirty-third Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Ralph M. Fratkin, Philadelphia, whose term expired.

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

DICK THORNBURGH.

**COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY  
OF THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION**

May 13, 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 John E. Knoell, P. O. Box 100, New Britain 19801, Bucks County, Tenth Senatorial District, as Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1983, and until his successor is appointed and qualified, vice Samuel Rudofker, Gladwyne, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE ARMSTRONG COUNTY  
BOARD OF ASSISTANCE**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Chris Kimmel, R. D. #1, Shelocta 15774, Armstrong County, Forty-first Senatorial District, (Republican), as a member of the Armstrong County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Wade C. Hall, Rural Valley, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE ARMSTRONG COUNTY  
BOARD OF ASSISTANCE**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Barbara Shockey (Democrat), Box 207, North Appollo 15673, Armstrong County, Forty-first Senatorial District, as a member of the Armstrong County Board of Assistance, to serve until December 31, 1981, and until her successor is duly appointed and qualified, vice Gerald R. Shuster, Kittanning, 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**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Joseph G. Nemetz (Independent), 1611 Larry Lane, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice J. Sterling Strickland, Harrisburg, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of William P. Connolly, Sr. (Republican), R. D. #1, Liberty 16930, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Mrs. Helen M. Forer, Roaring Branch, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

May 13, 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 reappointment of Matthew Silberman, Ph. D. (Democrat), 121 Verna Road, Lewisburg 17837, Union County, Twenty-first Senatorial District, as a member of the Union 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.

**RECESS**

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.

**UNFINISHED BUSINESS**

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE BOARD OF TRUSTEES OF  
THE CENTRAL YOUTH DEVELOPMENT CENTERS**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Jamie Marie Whitty, 4101 Spring Valley Road, Apartment B-2, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Rev. H. Garnett Lee, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA DRUG, DEVICE  
AND COSMETIC BOARD**

May 13, 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 Richard D. Atkins, Esquire (Drug and Chemical Abuse), 419 Sixty-sixth Avenue, Philadelphia 19146, Philadelphia County, Thirty-sixth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1981, and until his successor is appointed and qualified, vice Sidney H. Schnoll, M.D., Philadelphia, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA LIQUOR  
CONTROL BOARD**

May 6, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 25, 1980, for the appointment of Frank A. Ursomarso, 771 Unionville Road, Clearmount Farm, Kennett Square 19348, Chester County, Nineteenth Senatorial District, as a member of the Pennsylvania Liquor Control Board, to serve until March 7, 1984, and until his successor shall have been appointed and qualified, vice Daniel W. Pennick, Camp Hill, whose term expired.

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

**MEMBER OF THE BOARD OF TRUSTEES OF  
MANSFIELD STATE COLLEGE**

May 13, 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 22, 1980, for the appointment of Kenneth B. Lee, Esquire, Eagles Mere, 17731, Sullivan County, Twenty-third Senatorial District, as a member of the Board of Trustees of Mansfield State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Harry B. Strickland, Ph.D., Scranton, whose term expires.

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

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA SECURITIES  
COMMISSION**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the reappointment of Walter G. Arader, 600 Houston Road, Radnor 19087, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA SECURITIES  
COMMISSION**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Robert M. Lam, 320 Waring Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Warren G. Terhorst, 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 PENNSYLVANIA SECURITIES  
COMMISSION**

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Cole B. Price, Jr., P. O. Box 620, R. D. #7, Carlisle 17013, Cumberland County, Thirty-third Senatorial District, as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Ralph M. Fratkin, Philadelphia, whose term expired.

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

DICK THORNBURGH.

**COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY  
—OF THE COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION**

May 13, 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 John E.

Knoell, P. O. Box 100, New Britain 19801, Bucks County, Tenth Senatorial District, as Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1983, and until his successor is appointed and qualified, vice Samuel Rudofker, Gladwyne, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE ARMSTRONG COUNTY  
BOARD OF ASSISTANCE

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Chris Kimmel, R. D. #1, Shelocta 15774, Armstrong County, Forty-first Senatorial District, (Republican), as a member of the Armstrong County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Wade C. Hall, Rural Valley, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE ARMSTRONG COUNTY  
BOARD OF ASSISTANCE

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Barbara Shockey (Democrat), Box 207, North Appollo 15673, Armstrong County, Forty-first Senatorial District, as a member of the Armstrong County Board of Assistance, to serve until December 31, 1981, and until her successor is duly appointed and qualified, vice Gerald R. Shuster, Kittanning, 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

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of Joseph G. Nemetz (Independent), 1611 Larry Lane, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice J. Sterling Strickland, Harrisburg, resigned.

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

DICK THORNBURGH.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

May 13, 1980.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1980, for the appointment of William P. Connolly, Sr. (Republican), R. D. #1, Liberty 16930, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Mrs. Helen M. Forer, Roaring Branch, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

May 13, 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 reappointment of Matthew Silberman, Ph.D. (Democrat), 121 Verna Road, Lewisburg 17837, Union County, Twenty-first Senatorial District, as a member of the Union 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 RETURNED TO THE GOVERNOR

Senator ROSS. 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.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR  
REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA SECURITIES  
COMMISSION

May 13, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert M. Lam, 320 Waring Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Walter G. Arader, Radnor, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
MANSFIELD STATE COLLEGE

May 13, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth B. Lee, Esquire, Eagles Mere 17731, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Board of Trustees of Mansfield State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Eugene Kelly, Roaring Branch, whose term expired.

DICK THORNBURGH.

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator ROSS, 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 BOARD OF TRUSTEES OF  
ALLENTOWN STATE HOSPITAL

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Gregg Amore, Box 73, R. D. 4, Bath, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Lewis P. Moreland, Bethlehem, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE ART 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 Robert J. Breslin, Balsam Road, R. D., Center Valley, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Art Commission, to serve until the third Tuesday of January 1983, and until his successor shall have been appointed and qualified, vice John Lane Evans, Philadelphia, whose term expired.

DICK THORNBURGH.

BRIGADIER GENERAL,  
PENNSYLVANIA NATIONAL GUARD

April 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Colonel Francis E. Jones, Jr., 9 Diana Lane, R. D. #3, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, Pennsylvania Army National Guard, to serve until terminated, as Assistant Adjutant General, Headquarters and Headquarters Detachment, Pennsylvania Army

National Guard, vice Brigadier General Cornelius O. Baker, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
CALIFORNIA STATE COLLEGE

January 22, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. Lynda Marie Collie, 116 East Fourteenth Avenue, Homestead 15120, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of California State College to serve until the third Tuesday of January, 1985, and until here successor is appointed and qualified, vice Jack Moldovan, Greensburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
CALIFORNIA STATE COLLEGE

January 22, 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. Marylou Stefanko, 1515 Cooper Avenue, Pittsburgh 15212, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of California State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Frank R. Mascara, Charleroi, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
COALDALE STATE GENERAL HOSPITAL

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert E. Ames, 129 Second Street, Coaldale 18218, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Coaldale State General Hospital, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Michael Butcher, Nesquehoning, terminated.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. William Lafe, 423 Winton Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1982, and until his successor has been appointed and qualified, vice Jographia Pappas, Altoona, whose term expired.

DICK THORNBURGH.

## MEMBER OF THE ENVIRONMENTAL HEARING BOARD

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dennis J. Harnish, Esquire, 571 South Front Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1985, or until his successor shall have been appointed and qualified, vice Mrs. Joanne Denworth, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS 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 Doris A. Smith, Esquire, 7042 Meade Place, Pittsburgh 15208, Allegheny County, Forth-third Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1984, or until her successor shall have been duly appointed and qualified.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eugene Haywood Clarke, Jr., Esquire, No. 2 Wissahickon Lane, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1982, vice The Honorable G. Fred DiBona, deceased.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leonard A. Ivanoski, Esquire, 6400 North Seventh Street, Philadelphia 19126, Philadelphia County, Thirty-sixth Senatorial District for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1982, vice The Honorable Robert Williams, elected to Commonwealth Court, January 7, 1980.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
KUTZTOWN STATE COLLEGE

January 22, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. Mildred Corrigan, Pennsylvania and Trexler Avenues, Kutztown 19530, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Kutztown State College, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Roy W. Schlenker, Kutztown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
KUTZTOWN STATE COLLEGE

January 22, 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 Ade-Rolfe Floreen, R. D. #1332, Fleetwood 19522, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Kutztown State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Richard Lee Orwig, Reading, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF  
LANDSCAPE ARCHITECTS

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Larry L. Ridenour (Landscape Architect), R. D. #2, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until July 12, 1982, and until his successor is appointed and qualified, vice L. Fielding Howe, Merion, whose term expired.

DICK THORNBURGH.

COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY  
—OF THE COMMONWEALTH SYSTEM OF  
HIGHER EDUCATION

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 Theodore Robb, 236 South Seventh Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1983, and until his successor is appointed and qualified, vice LeRoy Robinson, Jr., Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA LIQUOR  
CONTROL BOARD

January 22, 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 Mario B. Mele, 1240 Pinetown Road, Fort Washington 19034, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until Novem-

ber 29, 1985, and until his successor shall have been appointed and qualified, vice Henry H. Kaplan, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
MANSFIELD STATE COLLEGE

May 13, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth B. Lee, Esquire, Eagles Mere 17731, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Board of Trustees of Mansfield State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Eugene Kelly, Roaring Branch, whose term expired.

DICK THORNBURGH.

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

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Daub, III (New Car Dealer) 505 Paxinosa Avenue, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until December 29, 1981, and until his successor is appointed and qualified, vice Samuel Fierstien, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF  
NURSE EXAMINERS

April 14, 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 Barbara Goldberg (public member), 2355 Willowbrook Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Nurse Examiners, pursuant to Act 292, approved November 26, 1978, to serve for a term of six years and until her successor is appointed and qualified, but no longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EXAMINERS OF  
NURSING HOME ADMINISTRATORS

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 Patricia E. Irwin (Care of the Chronically Ill), 2631 Philadelphia Avenue, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 19, 1981, and until her successor is appointed and qualified, vice Kathleen V. Repici, B.S., Abington, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF PHARMACY

March 31, 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 Charles D. Ditchfield, 327 Louisa Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, or until his successor is appointed and qualified, vice Earl P. Collins, Tyrone, whose term expired.

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 BOARD OF  
PUBLIC WELFARE

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 Norman L. Loux, M.D. (Advisory Committee for Mental Health), 138 Cowpath Road, Souderton 18964, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Public Welfare, to serve until June 7, 1984, and until his successor is appointed and qualified, vice Dr. H. Keith Fischer, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF  
PUBLIC WELFARE

April 7, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable James R. Lloyd, Jr. (Democrat), 2809 Maxwell Street, Philadelphia 19136, Philadelphia County Fifth Senatorial District, for appointment as a member of the State Board of Public Welfare, to serve until June 7, 1982, and until his successor is appointed and qualified, vice The Honorable Quentin R. Orlando, Erie, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE REAL ESTATE COMMISSION

January 25, 1980.

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

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

for the advice and consent of the Senate Francis V. Mulcahy (Real Estate Broker), 218 Fox Road, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve until September 21, 1983, or until his successor has been appointed and qualified, but not longer than six months beyond that period, vice Warren Weaver, Lancaster, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA SECURITIES  
COMMISSION

May 13, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert M. Lam, 320 Waring Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Walter G. Arader, Radnor, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Carmen DeFrancesco, 240 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice George A. Dorko, Shamokin, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF STATE COLLEGE  
AND UNIVERSITY DIRECTORS

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 Doctor Muriel Berman, 20 Hundred Nottingham Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of State College and University Directors, to serve until June 30, 1985, and until her successor is appointed and qualified, vice Mrs. Patricia M. Coghlan, Beaver Falls, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Harvey Bartle, III, 100 West Moreland Avenue, Philadelphia 19118, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, vice The Honorable

William J. Sheppard, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert A. Bittenbender, 1702 Patricia Court, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve for a term of four years, vice Sol E. Zubrow, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James I. Scheiner, 707 South Front Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve until September 26, 1982, vice Gilbert Teitel, Pittsburgh.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

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 Dr. Robert D. Flowers, Route 83 and Limekiln Road, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Donald D. Reeser, D.V.M., Allison Park, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

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 Dr. Cameron S. Wilson, Twining Ford Road, Richboro 18954, Bucks County, Sixth Senatorial District, for appointment as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Dr. Arthur Widnemyer, Feasterville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
WOODHAVEN CENTER

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 Crata M. Vaughn, 2401 Pennsylvania Avenue, Philadelphia 19130, Philadelphia County, Second Senatorial District, for appointment as a member of the Board of Trustees of Woodhaven Center, to serve until the third Tuesday of January, 1981, and until her successor is appointed and qualified, vice John M. Fedorko, Esquire, Morrisville, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF  
WOODVILLE STATE HOSPITAL

January 27, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Margaret B. Wolak, 4721 Wallingford Street, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January 1985, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

March 31, 1980.

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

In conformity with law, I have the honor to nominate for the advice and consent of the Senate W. Max Bossert (Republican), R. D. #1, Beech Creek 16822, Clinton County, Twenty-third Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified, vice Mrs. Alta M. Sweely, Lock Haven, resigned.

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY  
BOARD OF ASSISTANCE

April 14, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert P. Hawley (Republican), 2834 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment 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, vice George Arter, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE DELAWARE COUNTY  
BOARD OF ASSISTANCE

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Sandra Cornelius (Republican), 1 Andover Road, Haverford 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1982, and until her successor is duly appointed

and qualified, vice Doctor Willard C. Richan, Swarthmore, whose term expired.

DICK THORNBURGH.

MEMBER OF THE INDIANA COUNTY  
BOARD OF ASSISTANCE

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Maynard D. Amond (Republican), 8 Miller Drive, Blairsville 15717, Indiana County, Forty-first Senatorial District, for appointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Mrs. Lucretia King, Glen Campbell, resigned.

DICK THORNBURGH.

MEMBER OF THE LEBANON COUNTY  
BOARD OF ASSISTANCE

January 23, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Jonnie Lee Rowe (Republican), R. D. #3, Box 8065, Jonestown 17083, Lebanon County, Fifteenth Senatorial District, for appointment as a member of the Lebanon County Board of Assistance, to serve until December 31, 1981, and until her successor is duly appointed and qualified, vice Robert C. McCullough, Jr., Lebanon, whose term expired.

DICK THORNBURGH.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

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 Joseph Thomas Conaty (Republican), Brackney 18812, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1981, and until her successor is duly appointed and qualified, vice Donald Chamberlain, Montrose, Terminated-By-Law.

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS.

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 ROSS 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 ROSS. Mr. President, I call from the table for consideration the nominations reported from committee today and previously read by the Clerk for Eugene Haywood Clarke, Jr., Esquire and Leonard A. Ivanoski, Esquire, as Judges, Court of Common Pleas, Philadelphia County.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Mario B. Mele, as a member of the Pennsylvania Liquor Control Board.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

Gregg Amore, as a member of the Board of Trustees of Allentown State Hospital;

Robert J. Breslin, as a member of the State Art Commission;

Colonel Francis E. Jones, Jr., as Brigadier General, Pennsylvania National Guard;

Robert E. Ames, as a member of the Board of Trustees of Coaldale State General Hospital;

Ms. Mildred Corrigan and Ade-Rolfe Floreen, as members of the Board of Trustees of Kutztown State College;

Larry L. Ridenour, as a member of the State Board of Landscape Architects;

Theodore Robb, as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education;

Barbara Goldberg, as a member of the State Board of Nurse Examiners;

Patricia E. Irwin, as a member of the State Board of Examiners of Nursing Home Administrators;

Charles D. Ditchfield, as a member of the State Board of Pharmacy;

Richard N. Weiner, Esquire, as a member of the State Board of Examiners of Public Accountants;

Norman L. Loux, M.D., as a member of the State Board of Public Welfare;

Francis V. Mulcahy, as a member of the State Real Estate Commission;

Carmen DeFrancesco, as a member of the Board of Trustees of Shamokin State General Hospital;

The Honorable Harvey Bartle, III, and Robert A. Bittenbender, as members of the State Employees' Retirement Board;

Dr. Cameron S. Wilson, as a member of the State Board of Veterinary Medical Examiners;

Crata M. Vaughn, as a member of the Board of Trustees of Woodhaven Center;

Margaret B. Wolak, as a member of the Board of Trustees of Woodville State Hospital;

W. Max Bossert, as a member of the Clinton County Board of Assistance;

Robert P. Hawley, as a member of the Dauphin County Board of Assistance;

Maynard D. Amond, as a member of the Indiana County Board of Assistance;

Mrs. Jonnie Lee Rowe, as a member of the Lebanon County Board of Assistance; and

Joseph Thomas Conaty, as a member of the Susquehanna County Board of Assistance.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for The Honorable James R. Lloyd, Jr., as a member of the State Board of Public Welfare.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—48

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

NAYS—0

PRESENT—1

Lloyd,

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Ms. Lynda Marie Collie, as a member of the Board of Trustees of California State College.

On the question,

Will the Senate advise and consent to the nomination?

Senator KELLEY. Mr. President, I do not know how many

times we are going to have to repeat the basic premise upon which I am going to ask for a negative vote on this particular nomination. The reason being that his Excellency, the Governor, has set the ground rules as the appointing power by saying on the matter of those people who were going to serve, he did not want to have politics be the guideline or the guidepost. Anyone who serves in these public offices, who serves well and with ability, will not be replaced because they happened to be an appointee of a previous administration or other administration.

I can only attest, Mr. President, that the gentleman presently serving in this spot for this State college is a very able and extremely dedicated gentleman. Mr. Jack Moldovan is a successful businessman in the Greensburg area, and he has been most attentive regularly at the meetings of the Board of Trustees of California State College. Over the course of years, his colleagues on that board have attested to his major positive input as a member of that board for the benefit of the students, faculty and administration. My words may not prevail upon anybody to switch his or her vote today, Mr. President, but I am going to feel relieved having uttered them. I am probably going to be extremely disappointed because of the fact that for one reason or another, this gentleman is going to be replaced.

There is another factor that I invite consideration by my colleagues. That happened to be that of the general policy in the past. If you embrace this nomination and the one immediately after it for this college, we are tacitly embracing the Governor's direction of representation on these boards far beyond the borders of the major area where the college is situate. This nominee is from Allegheny County. The one immediately after it is from Allegheny County. They would be replacing collectively from Westmoreland County and from Washington County.

California State College is nestled on the borderline between Fayette and Washington Counties and Allegheny County is far removed. If you look over the statistics of the students, you will find the greatest representation of the students comes from those immediate areas of Fayette, Washington, Greene and Westmoreland Counties; very, very few are from Allegheny County.

It is for this reason, Mr. President, that we have continuously maintained that the boards of trustees of these institutions would be from the area immediately around where most of the students reside.

I think, therefore, on that basis alone, without getting to the merits, if you rely entirely on the political geography, this nominee should be rejected, as well as the one immediately after it.

Mr. President, I implore and ask for a negative vote in order to preserve, first of all, the philosophy of having the boards of trustees of these colleges be represented from the immediate general areas where the students reside and the other is that the gentleman who is there serving is able, qualified and dedicated and has performed well and should continue.

Senator HAGER. Mr. President, as to the geographical origin of the members of the board, I believe there are arguments on both sides of that. But, as to the appreciating argument which was made by the gentleman, it seems to me there is adequate

proof throughout the Thornburgh Administration that the Governor has lived up to his position that people in substantive offices throughout the Commonwealth will not be removed merely because they happen to be appointed by a preceding Governor. Not only is that true for him, it is also true now for all of the United States because of two United States Supreme Court decisions.

On the other hand, I think there is some folly in assuming that as to the character of boards of trustees of colleges, there is some real merit in having those be revolving memberships and we join the gentleman in applauding the services of the person who now is slated for replacement by an appointment by His Excellency, the Governor of Pennsylvania. We do point out that it seems to us to be somewhat stultifying or somewhat wrong to make the continual approach that he who is there should be protected by we who are here so long as there are more of us than there are of you. I understand the gentlemen's argument. I believe it is without significant merit when viewed against the continuum of the years.

Mr. President, I would ask for an affirmative vote.

Senator STOUT. Mr. President, I rise to join the gentleman from Westmoreland, Senator Kelley, in asking for a negative vote on these two nominees. Although I do not know these two nominees personally, I know the two trustees that they would be replacing because California State College is located in my Senatorial District, particularly Mr. Frank R. Mascara, who would be replaced by the second nominee. Mr. Mascara has served on the Board of Trustees for nearly seven years and distinguished himself as a trustee of that institution. Not only does he have an excellent attendance record, he has been active. He is a graduate of that institution. Members of his family have graduated there and also are attending there. He is extremely active in all affairs of the college.

Also in the present position he holds in county government, Washington County, serving as the Chairman of our Washington County Board of County Commissioners, he has worked closely with the other trustees in the administration of California State College in the best interests of that institution.

Therefore, I respectfully request a negative vote on these two nominees for the Board of Trustees of California State College.

Senator KURY. Mr. President, I should be very brief but I want to explain briefly why I am going to vote to confirm these two nominees.

In this State we have elections every four years for Governor of Pennsylvania. The purpose of those elections is so the people of Pennsylvania have a chance to choose the leadership of this State for the Executive branch of government. Whether or not we agree with the people's choice is really not the point. The fact is though that two years ago the people of Pennsylvania decided between the candidates and decided that they wanted a gentleman by the name of Thornburgh to be the Governor of this State. I believe the person who is successful at that election ought to be able to nominate his people to these offices because he was elected and the people have spoken. If we follow the philosophy of my distinguished colleague from Washington and Westmoreland Counties, what is the point of having elections? Whether the people that are serving there are doing a fine job

is not the point. The point is that when we have elections, the people say they want somebody else in charge of government. I think the respect for the dictates of the electorate mandates that we give the person who wins the election a chance to put his people in these positions.

Mr. President, I understand that the other party took a similar position when we had a Democratic Governor on a lot of the nominations that he sent over. I did not think that was right; I thought that was wrong and I think it is wrong for my party to do the same thing now.

Mr. President, I believe that out of respect for the electorate, we ought to have the philosophy in this Senate that when nominees come over, the real question before them is: Is the person who is being nominated qualified, not whether the person they are succeeding is doing a good job or not. I think that is the wrong approach to take and I, too, respect the job that is done by these people.

Mr. President, the fact is, we have elections every four years and I think we ought to respect that and give the person who is elected Governor his people unless there is something about them which disqualifies them.

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Washington, Senator Stout.

The PRESIDENT. Will the gentleman from Washington, Senator Stout, permit himself to be interrogated?

Senator STOUT. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman from Washington, Senator Stout, what the name of the man is he is trying to protect on this board?

Senator STOUT. Mr. President, that nominee is not before the Senate at this time. The one that I am protecting will be called up next.

Senator ANDREWS. Mr. President, the question for the gentleman is: Is it the gentleman's position that when one is nominated for a position or is confirmed to a position such as the Board of Trustees of California State, that that is a lifetime job, one that one has for as long as he desires?

Senator STOUT. No, Mr. President. I do not believe that that is a lifetime job but I think that we should recognize outstanding service done by a trustee and that trustee in this case is Mr. Frank Mascara from Washington County.

Senator ANDREWS. Mr. President, how long is the gentleman suggesting that Mr. Mascara be permitted to serve on the board?

Senator STOUT. Mr. President, I think as long as he is actively and interested in serving in that capacity and feels that he is contributing to the operation of that institution. Those others who have served with him are in a position to evaluate his contributions. I feel that he is doing a job in the best interest of the institution.

Senator ANDREWS. Mr. President, is it the gentleman's position that Mr. Mascara should be permitted to serve on the Board of Trustees as long as he wants to?

Senator STOUT. No, Mr. President, I did not say that he should serve on there for perpetuity but I feel as long as he is making a contribution to the institution, he should stay in that position.

The PRESIDENT. The Chair would remind the Members that we are currently not on the nominee to which the gentlemen are referring. If we could delay this questioning until that nomination, we would be in order at that time.

Senator ANDREWS. Mr. President, with respect to the present nominees, I did not really expect that they were going to be nominated forever. I expect that their term will expire and that they may be renominated by whomever is Governor when that occurs. They may not be, but I am certainly going to vote in favor of these nominees, but not to place them on these boards forever.

Mr. President, I think it is unfortunate that that seems to be the position that certain Members of this Senate are taking, that you have a job as long as you want, because that is certainly not the way the statutes are drawn. They are six-year terms and when your term is up your term is up and the Governor is then free to nominate someone else. That does not appear to be the rule that we are following here. I think that is unfortunate and I think that we should assess very carefully the position we as a Body are going to take towards these nominees.

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

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

#### SENATOR STAUFFER TO VOTE FOR SENATOR MOORE

Senator STAUFFER. Mr. President, inadvertently I failed to ask for a legislative leave for Senator Moore, who had to leave to attend a meeting with constituents in his district. I now ask for a legislative leave and I will be voting him.

Senator KELLEY. Mr. President, I would interject, but seeing there is no result change, I withdraw any reservation of objection.

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

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

#### YEAS—35

Andrews,	Hager,	Lewis,	Romanelli,
Bell,	Hankins,	Loeper,	Ross,
Bodack,	Hess,	Manbeck,	Scanlon,
Coppersmith,	Hull,	Messinger,	Schaefer,
Corman,	Hopper,	Moore,	Snyder,
Dwyer,	Howard,	O'Connell,	Stapleton,
Early,	Jubelirer,	Pecora,	Stauffer,
Gekas,	Kury,	Price,	Tilghman,
Greenleaf,	Kusse,	Reibman,	

#### NAYS—13

Arlene,	Lincoln,	Mellow,	Smith,
Fumo,	Lloyd,	Murray,	Stout,
Gurzenda,	Lynch,	Orlando,	Zemprelli,
Kelley,			

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Mrs. Marylou Stefanko, as a member of the Board of Trustees of California State College.

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

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

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

Senator KURY. I will, Mr. President.

Senator LINCOLN. Mr. President, the gentleman from Northumberland, Senator Kury, spoke a little earlier about how we as a party should acquiesce and give whatever the Governor wanted for appointments. I am in my first term in the Senate and I really do not understand the procedure totally. I wish that someone, and specifically the gentleman from Northumberland, Senator Kury, could explain to me what advise and consent means. I have been listening to the debate for the last fifteen months on these stupid things that we get involved in over some of these commissions and boards, and I really do not understand what the responsibilities of the Senate are. The gentleman from Northumberland, Senator Kury, expressed very strong feelings about we should give the Governor all of his nominations. Now I want the gentleman to explain to me what he thinks advise and consent in the Constitution means.

Senator KURY. Mr. President, my feelings on this question stem from the fact that when I was a first-term Senator here I had the honor and privilege of serving as a chairman of a committee which held a series of hearings on the whole nomination and confirmation process. That was a bipartisan committee and out of that came what I think is a number of substantial reforms. In the course of that study, Mr. President, we had a great chance to review all this and my conclusions based on my involvement with that committee and my study of the Constitution is that it is our job to insure that the Governor's nominees are qualified. That is, that they are qualified for the position they hold. Mr. President, that is the reason we advise and consent to insure that the Governor puts people on who are qualified for the jobs they seek.

Senator LINCOLN. Mr. President, that could be the consent part of it, but advise to me has always meant you had some input or you were able to direct a person in some direction by giving them some advice. Mr. President, is the gentleman saying that that part of the advise and consent really does not mean anything and it is actually just the consent that we are supposed to deal with?

Senator KURY. Mr. President, my reading from both the study I have made of the United States Senate procedure on this question and the Senate of other States is that the net result of the phrase "advise and consent" is to insure qualification.

Senator LINCOLN. Mr. President, whenever the gentleman from Northumberland, Senator Kury, was chairing the com-

mittee that came up with the reforms, was there any consideration of doing away totally with the nomination and confirmation proceedings of many of the people that we have been dealing with here in the past fifteen months?

Senator KURY. Yes, Mr. President, there was. In fact, before our committee was constituted, we were supposed to be acting on 2,000 nominations. In fact we did not because the Governor was waiting until the interim; we recessed, and he was making interim appointments. The basic changes we made were to eliminate about 500 positions from the confirmation process. Then the names would be sent over, and we were required to act on them. Mr. President, that was the basic reform.

Senator LINCOLN. Mr. President, I think the only thing the gentleman failed on, he should have had about 500 more eliminated at the same time.

Senator BELL. Mr. President, I am going to prolong this a little bit because although the section on Judiciary says we shall have the power to advise and consent, it is my reading of Article IV, Section 8(a) that as to other than members of the Judiciary, all we do is consent. There is no advise and consent in that phraseology.

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

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

YEAS—33

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

NAYS—15

Arlene,	Kelley,	Mellow,	Smith,
Fumo,	Lincoln,	Murray,	Stout,
Gurzenda,	Lloyd,	Orlando,	Zemprelli,
Hankins,	Lynch,	Ross,	

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for C. William Lafe, as a member of the Commonwealth of Pennsylvania Council on the Arts. I ask for a negative vote.

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

SENATOR HAGER TO VOTE FOR SENATOR CORMAN

Senator HAGER. Mr. President, Senator Corman has been called from the floor on legislative business relative to Penn

State University and some delegates from that institution and I should like to vote him.

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

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

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

YEAS—26

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

NAYS—22

Arlene,	Lewis,	Murray,	Scanlon,
Bodack,	Lincoln,	Orlando,	Schaefer,
Early,	Lloyd,	Reibman,	Smith,
Fumo,	Lynch,	Romanelli,	Stapleton,
Hankins,	Mellow,	Ross,	Zemprelli,
Kelley,	Messinger,		

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Dennis J. Harnish, Esquire, as a member of the Environmental Hearing Board.

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

Senator MELLOW. Mr. President, for the information of the Members of the Senate, the Committee on Environmental Resources, which I chair, did hold a public hearing on the nominee and found him to be eminently qualified and I will request they vote in the affirmative on the nominee.

Senator HAGER. Mr. President, may I just simply express my shock.

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

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

YEAS—49

Andrews,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,

Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Doris A. Smith, Esquire, as a member of the Pennsylvania Human Relations Commission.

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

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

YEAS—48

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

NAYS—1

Kelley,  
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 ROSS. Mr. President, I call from the table for consideration the nomination of Joseph X. Yaffe, Esquire, as a member of the Pennsylvania Human Relations Commission.

This nomination was previously laid on the table May 7, 1980.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

January 28, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph X. Yaffe, Esquire, 1006 Arboretum Road, Wyncote 19095, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1984 or until his successor shall have been duly appointed and qualified.

DICK THORNBURGH.

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

Senator PRICE. Mr. President, because of a belief on my part that members of boards such as this one, so sensitive and so important should change on a fairly regular basis and realizing that Mr. Yaffee has served for twenty years on this particular board, I am going to vote "no" on this particular nomination.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator STOUT. 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 ROSS and were as follows, viz:

YEAS—26

Arlene,	Hankins,	Messinger,	Scanlon,
Bell,	Kury,	Murray,	Schaefer,
Bodack,	Lewis,	Orlando,	Smith,
Coppersmith,	Lincoln,	Reibman,	Stapleton,
Early,	Lloyd,	Romanelli,	Stout,
Greenleaf,	Lynch,	Ross,	Zemprelli,
Gurzenda,	Mellow,		

NAYS—21

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

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Kenneth B. Lee, Esquire, as a member of the Board of Trustees of Mansfield State College.

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

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

YEAS—49

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

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for William J. Daub, III, as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen. I ask for a negative vote.

On the question,

Will the Senate advise and consent to the nomination?

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator GURZENDA. 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 ROSS and were as follows, viz:

YEAS—24

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

NAYS—24

Arlene,	Hankins,	Mellow,	Ross,
Bodack,	Kelley,	Messinger,	Scanlon,
Coppersmith,	Lewis,	Murray,	Smith,
Early,	Lincoln,	Orlando,	Stapleton,
Fumo,	Lloyd,	Reibman,	Stout,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,

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.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consid-

eration the nomination reported from committee today and previously read by the Clerk for Robert M. Lam, as a member of the Pennsylvania Securities Commission.

On the question,

Will the Senate advise and consent to the nomination?

POINT OF INFORMATION

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

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

Senator KELLEY. Mr. President, my understanding in attempting to follow the activities today on the executive nominations was that all those nominations for the Securities Commission were recalled. Am I in error or would the Chair review what names were recalled of the Securities Commission?

The PRESIDENT. The gentleman is correct, all of the names of the Securities Commission nominees were recalled, but the name of Robert Lam was resubmitted and rereported from committee.

Senator KELLEY. Mr. President, I want to object. Mr. Lam's name is not accurately reflected on the Calendar in the form. It is in violation of the Senate rules. Likewise, I believe an objection would be in order, being considered for the first day from committee. I impose both of those objections, Mr. President, for consideration of this nomination at this time.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator KELLEY. Mr. President, with the confidence of the validity of my objection but in weighing the expeditious determinations, I am withdrawing my objection.

Senator ZEMPRELLI. Mr. President, I wish to thank the gentleman.

Mr. President, I understand that the issue may be somewhat confusing. The earlier action of the Senate, Mr. President, was to withdraw all of the nominees precisely because we were into our twenty-fourth or twenty-fifth day and in doing so the names of Mr. Lam, Mr. Price, and Mr. Arader were returned to the Governor on his recall. Simultaneously therewith, Mr. Lam's name was resubmitted by the Governor for the purpose of replacing the present nominee or serving party, Mr. Arader.

Mr. President, the significance of this vote, in fact, is that if we advise and consent to the nomination of Mr. Lam, we therefore are in fact replacing Mr. Arader as a member of the Securities Commission. Also by operation of law in this instance, Mr. Fratkin and Mr. Terhorst would remain as Commissioners until such time as additional nominees were made with the advice and consent of the Senate.

Mr. President, for the advice of those who were in caucus and for those who were not in our caucus, an affirmative vote on Mr. Lam would have the same effect as saying that Mr. Lam is succeeding Mr. Arader as a member of the Securities Commission. A failure on the part of Mr. Lam to receive the advice and consent of the Senate would continue Mr. Arader as a Securities Commission nominee.

Mr. President, we have suggested in the caucus action on behalf of the Democratic caucus this was an open question and that each should vote his conscience with respect to this nomination.

Senator HAGER. Mr. President, I would request of all of the Members of the Senate an affirmative vote on Mr. Lam.

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

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

YEAS—43

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

NAYS—5

Early,	Murray,	Orlando,	Pecora,
Lincoln,			

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Doctor Muriel Berman, as a member of the Board of State College and University Directors.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—28

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

NAYS—20

Arlene,	Hankins,	Murray,	Schaefer,
Bodack,	Kelley,	Orlando,	Smith,
Early,	Lincoln,	Romanelli,	Stapleton,

Fumo,	Lynch,	Ross,	Stout,
Gurzenda,	Mellow,	Scanlon,	Zemprelli,

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 ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for James I. Scheiner, as a member of the State Employees' Retirement Board. I ask for a negative vote.

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

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

YEAS—23

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

NAYS—25

Arlene,	Kelley,	Mellow,	Ross,
Bodack,	Kury,	Messinger,	Scanlon,
Coppersmith,	Lewis,	Murray,	Schaefer,
Early,	Lincoln,	Orlando,	Smith,
Fumo,	Lloyd,	Reibman,	Stapleton,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,
Hankins,			

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.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Sandra Cornelius, as a member of the Delaware County Board of Assistance. I ask for a negative vote.

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

Senator BELL. Mr. President, I certainly hope that the Majority Party is not voting against this lady to protect the incumbent because last Friday there was a public meeting of outraged citizens from the greater Chester area because the current Chairman of the Delaware County Board of Assistance, Dr. Willard C. Richan, from Swarthmore, a very affluent neighborhood, had proposed to move one of the two Public Assistance offices from the city of Chester, thereby inconveniencing all of those who are clients of the Welfare office. Again to you folks in the Majority, maybe you have something against the new appointee. If you are protecting this man who led the fight to take the Public Assistance office out of the city of

Chester, where it services the folks from nearby communities, not the city of Chester itself, but Chester is a transportation hub.

Mr. President, this man led this fight and has recommended that the board offices be taken out for the convenience of some of the people working there. May I suggest that those who have contacts in the city of Chester, especially in the black community, get in touch with people like Reverend Commodore Harris, Jr., who was very strong in his condemnation of this chairman whose job you are now protecting. Mr. President, I think when you find the facts and for the benefit of anybody concerned, I had somebody take a tape recording of this hearing, which indicates the folks are not satisfied with the chairman of the Delaware County Board of Assistance whose job is protected when you shoot down Mrs. Cornelius.

Mr. President, I know that another nominee can come over in case there is some objection to the lady. Again, I think these facts should be known to everybody in this Senate. You may be protecting the wrong person.

Senator ZEMPRELLI. Mr. President, I did not intend to respond, but I want to assure the gentleman from Delaware, Senator Bell, that there is no caucus position with respect to this nomination. There was a question called before the caucus relative to a letter received which suggested the nominee, Mrs. Cornelius, heads an agency in Delaware County and that she is a direct provider of services under contract with the Department of Public Welfare and the recipient of the county board services and that was the only question.

Mr. President, we are not even certain that even has a resemblance of the conflict of interest, but it was information that we did want to consider and for that reason wanted to lay the matter open before the Senate. My caucus is not taking a caucus position in opposition, and the chances are Mrs. Cornelius probably will succeed. Mr. President, I did want the Senate to know that is precisely what the posture of the caucus has been.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—40

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

NAYS—8

Bodack,	Lewis,	Orlando,	Romanelli,
Coppersmith,	Messinger,	Reibman,	Schaefer,

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 LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the nomination of Dr. Robert D. Flowers, as a member of the State Board of Veterinary Medical Examiners, be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

REPORTS FROM COMMITTEES

Senator ZEMPRELLI, from the Committee on Rules and Executive Nominations, reported, as committed, SB 1305.

Senator MELLOW, from the Committee on Environmental Resources, reported, as amended, SB 988, 989, 990, 991 and 992.

RESOLUTION REPORTED FROM COMMITTEE

Senator MELLOW, from the Committee on Environmental Resources, reported without amendment, Senate Resolution, Serial No. 94, entitled:

Declaring "Pennsylvania Safe Boating Week."

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the National Slovak Society of the United States of America by Senator O'Pake.

Congratulations of the Senate were extended to Jerry Boyarsky and Lou Pilch by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Solon W. Bailey, Sr. and to Temple B'nai B'rith of Kingston by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Czulewicz by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. Clay Hoy and to Mr. and Mrs. Norman A. Hess by Senator Stout.

Congratulations of the Senate were extended to Mrs. Eula Alene Kling by Senator Hager.

Congratulations of the Senate were extended to Robert V. Donato by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Bender, Mr. and Mrs. Walter Estep, Mr. and Joseph B. Gutshall and to Mr. and Mrs. Frank Kolonich by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert Mohr and to the members of the Saint Nicholas Mother's Guild of Millvale by Senator Bodack.

**BILLS ON FIRST CONSIDERATION**

Senator ZEMPRELLI. Mr. President, I move that the Senate do not 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 303, 988, 989, 990, 991, 992, 1280, 1281, 1305, HB 230 and 1111.**

And said bills having been considered for the first time.

Ordered, To be laid aside for second consideration.

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

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

Weekly Adjournment.

**BILLS SIGNED**

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

**SB 841 and 1176.**

**PETITIONS AND REMONSTRANCES**

Senator HAGER. Mr. President, in the Old Testament it says, "There is nothing new under the sun." It also says, "For all things there is a season, a season for everything under the sun."

Mr. President, although we are late into the springtime, I detect a certain amount of thawing in the Susquehanna River. The ice is breaking up, government is beginning to flow again, the cold solidarity with which the Democratic caucus was greeting the nominations of the Governor has begun to dissipate under the sun in the warmth and fellowship in this Chamber. Nominations are rolling, everything is beautiful, God is in His heaven and all is right with the world.

Mr. President, I want to thank the Democratic caucus and, in particular, their indomitable, indefatigable, handsome leader, the honorable gentleman from Allegheny, Senator Zemprelli.

Senator BELL. Mr. President, the gentleman from Lycoming, Senator Hager, gave you the good news. I will give you the bad news.

Mr. President, I read in the news media recently that Peter Camiel, a member of the Turnpike Commission, has refused to file a financial disclosure statement, stating that in his opinion the Turnpike Commission was not part of the Executive department, Legislative department or Judiciary department. Therefore, he was above the law.

Mr. President, I introduced a bill today to bring him back within the law, to force him and any other employee or officer of the Turnpike Commission to file the financial disclosure statement. First of all, the Turnpike Commission is not some-

body's private hunting domain. The Turnpike Commission is a legislative commission and in my mind they are clearly required under the act we passed two years ago to file financial disclosure statements. However, maybe some judge may disagree with me.

Mr. President, it is very strange what goes on in this Turnpike Commission. Very strange. I have had somebody bird-dogging every meeting of the Turnpike Commission for two years. When I started checking up what was going on over there, I found multimillion dollar contracts awarded by public bid, not one, but many, and there was only one bidder. I also have been rather disturbed to find that they are not subject to audit by the Auditor General. Mr. President, I have introduced legislation to correct that, because this idea that Peter Camiel has that the Turnpike Commissioners are not governmental employees, I think is wrong. I know when I go on that Turnpike and pay \$1.35 each way, I was always under the understanding that that was an instrumentality of the Commonwealth of Pennsylvania, and not somebody's private ownership.

Mr. President, there are a lot of questions going on in my mind. I do not know why the Auditor General should not audit the Turnpike Commission. I know that at a recent meeting of the Turnpike Commission the private auditors were asked if they could do just as good a job or better than the Auditor General and they said, "Of course we can." Mr. President, that is interesting, too.

Mr. President, there are some other things that disturb me. Are there any ghosts working for the Turnpike Commission? Maybe the Federal Grand Jury ought to look into that while they are looking into some of the other things around here. On top of all this, after the brazenness of Peter Camiel to refuse to file a financial disclosure statement, the Turnpike Commissioners have come before the Senate of Pennsylvania asking for a 53.3 per cent increase of wages for their members and forty-seven per cent increase of wages for the chairman. As I said in the Committee on State Government, this job is a plum, and when you increase a plum by forty to fifty percent, it is still a plum.

Mr. President, I think we should tread very carefully in this field of the Turnpike Commission and instead of just blindly giving them a pay raise and disregarding the fact of all these one-bidder contracts, within the Federal Statute of Limitations, and other factors, I think rather than giving them a reward for a good job, I think they ought to be investigated.

Senator ZEMPRELLI. Mr. President, I understand the latitude that we are supposed to be extended in matters that come under Petitions and Remonstrances, and I am somewhat concerned about some of the statements that the gentleman from Delaware, Senator Bell, made. Not that I am trying to defend anybody, but I have a different understanding that the gentleman does about certain matters that we have been alleged at least by inference to be factual, and I wondered whether the gentleman would submit to interrogation.

The PRESIDENT. Will the gentleman from Delaware, Senator Bell, permit himself to be interrogated?

Senator BELL. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, does the gentleman

from Delaware, Senator Bell, know as a fact that Mr. Camiel did not file a financial disclosure statement?

Senator BELL. Mr. President, I do not know it as a fact. All I know is what the mass news media reports, and that is not always factual.

Senator ZEMPRELLI. Mr. President, that was to be my next question and the gentleman anticipated it. Is the source of the gentleman's information the news media?

Senator BELL. Mr. President, the information that I have read in the news media, and that is the source, is that a court action was initiated by the gentleman, Mr. Camiel, the only Commissioner who did not file a financial statement, with the Commonwealth Court to prevent the Ethics Commission from obtaining the financial statement.

Senator ZEMPRELLI. Mr. President, in listening to the gentleman and his clear remarks, he made a positive statement that Mr. Camiel did not file a financial statement.

Mr. President, I am somewhat aware of what is happening with respect to the interpretation of the Financial Disclosure Law and there is a serious question dealing with municipalities and organizations that are quasi-municipal such as municipal authorities, where the question is whether there is subjectivity to the act based upon an interpretation of those who are to have been embraced within the requirements of the act. Mr. President I know from information that has been made available to me that Mr. Camiel filed a financial statement under seal with the proper authority, subject to the determination by the court that Mr. Camiel is subject to the Financial Disclosure Act.

Mr. President, I consider that to be substantially different than as represented by the gentleman from Delaware, Senator Bell. I would think that if the gentleman's source of information is the news media, I believe that a serious charge is made as against any individual in an allegation of that kind, and I would hope that in the future we would not be relying upon statements in any news media as a basis for making a representation that might just simply damage someone's reputation.

Mr. President, I am not coming to the defense of Mr. Camiel per se but I think to the defense of everybody who may take a legitimate attitude with respect to the applicability of the Financial Disclosure Law. In this instance, Mr. President, the good faith by Mr. Camiel, in my judgment, would be the filing of such an application under seal to be opened in the event that it has been determined that he is subject to that requirement.

Senator BELL. Mr. President, now here is communication. The Majority Leader believes that if I, as a legislator, file a financial statement under seal, that is filing it. I, as an individual, believe that when a person, whether it is Mr. Camiel or somebody else, files a financial statement under seal, it is not in full compliance with the Ethics Act. So there is a difference of opinion.

I am going to let the gentleman from Allegheny, Senator Zemprelli, decide this. Are you going to box up my bill in committee that will require the filing of the financial statement? Are you going to box up my bill in committee which I just introduced and you do not know anything about to put on that Turnpike Commission a Senator and a House Member appointed by the President pro tempore and the Speaker of the House so that

those on the Turnpike Commission realize they very definitely are a legislative commission?

Senator ZEMPRELLI. Mr. President, I do not wish to prolong the matter any further. If the bills are referred to my committee, I can certainly tell the gentleman what we would do or propose to do after I have read the bills. But I do not pretend to speak for any chairman of any other committee. I do not make these kinds of demands upon the Members of my caucus and I do not propose to do it now for several reasons. One, it is not a general custom and secondly, I am not familiar with the legislation. We would most certainly want to take a look at the bills and their merits before we would have any recommendation.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

THURSDAY, MAY 15, 1980

- |            |   |   |
|------------|---|---|
| 10:00 A.M. | LABOR AND INDUSTRY<br>to<br>4:00 P.M.   | Penn State<br>University,<br>State College,<br>PA           |
|            | (Public Hearing on Senate<br>Bills No. 141, 147, 548,<br>556, 557, 639, 656, 698,<br>712, 713, 714, 715, 716,<br>717, 718, 719, 793, 839,<br>884, 895, 1128 and 1164) |   |
| 10:00 A.M. | Special Senate Committee to<br>Investigate Laws and<br>Regulations Affecting<br>Taxation on Public Utili-<br>ties (Public Hearing)                                    | Courtroom<br>No. 446,<br>386 City Hall,<br>Philadelphia, PA |

FRIDAY, MAY 16, 1980

- |            |  |   |
|------------|--|---|
| 12:30 P.M. | JUDICIARY (Public Hear-<br>ing to consider the condi-<br>tions of the Western Peni-<br>tentiary) | Gold Room,<br>Allegheny Co.<br>Court House,<br>Pittsburgh, PA |
|------------|--|---|

MONDAY, MAY 19, 1980

- |            |   |   |
|------------|---|---|
| 11:30 A.M. | JUDICIARY (to consider<br>Senate Bills No. 1282,<br>1411 and House Bill No.<br>2184)                                    | Room 461,<br>4th Floor<br>Conference Rm.,<br>North Wing |
| 1:30 P.M.  | CONSUMER AFFAIRS (to<br>consider Senate Bill No.<br>1032)   | Room 459,<br>4th Floor<br>Conference Rm.,<br>North Wing |
| 2:30 P.M.  | APPROPRIATIONS (to con-<br>sider Senate Bills No.<br>1396, 1397; House Bills<br>No. 1530, 1840, 2028,<br>2146 and 2191) | Room 461,<br>4th Floor<br>Conference Rm.,<br>North Wing |

## TUESDAY, MAY 20, 1980

- 9:30 A.M. Conference Committee on Senate Bill No. 518 Room 459, 4th Floor Conference Rm., North Wing
- 10:30 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 1251, 1252, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1373, 1375, 1376; House Bills No. 1145 and 1549) Room 460, 4th Floor Conference Rm., North Wing
- 12:30 P.M. TRANSPORTATION (agenda to be announced at a later date) Room 461, 4th Floor Conference Rm., North Wing

## WEDNESDAY, MAY 21, 1980

- 10:00 A.M. JUDICIARY (Public Hearing on the merit selection process used for nominations of trial judges) Room 378, City Hall Philadelphia, PA

## TUESDAY, MAY 27, 1980

- 1:00 P.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 778 and House Bill No. 2012) Room 461, 4th Floor Conference Rm., North Wing

## THURSDAY, MAY 29, 1980

- 9:00 A.M. LOCAL GOVERNMENT to (Public Hearing on Senate Bills No. 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338) Room 461, 4th Floor Conference Rm., North Wing
- 4:30 P.M. Bills No. 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338)

## THURSDAY, JUNE 5, 1980

- 10:00 A.M. LABOR AND INDUSTRY to (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) Room 460, 4th Floor Conference Rm., North Wing
- 4:00 P.M. Bills No. 141, 147, 548, 556, 557, 639, 656, 698, 712, 713, 714, 715, 716, 717, 718, 719, 793, 839, 884, 895, 1128 and 1164)

## ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Monday, May 19, 1980, at 3:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:20 p.m., Eastern Daylight Saving Time.