

Legislative Journal

TUESDAY, JUNE 3, 1980

Session of 1980

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SENATE

TUESDAY, June 3, 1980.

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

The PRESIDING OFFICER (Franklin L. Kury) in the Chair.

PRAYER

The Chaplain, the Reverend T. E. HARPER, Pastor of African Methodist Evangelical Church, Philadelphia, offered the following prayer:

May we pray:

God, give us men a time like this demands.

Great hearts, true faith and ready hands.

Men who honor and will not lie.

Men who can stand before a demagogue and dam his treacherous flatteries.

Tall men, sun crowned men who live above the fog in public duty and private thinking.

While the rabble with their thumbworn creeds, their large professions and little deeds;

Lo, freedom weeps and waiting justice sleeps.

Eternal God, eternally good and all wise God, our Heavenly Father, we thank Thee for the opportunity to provoke Thy divine blessings upon another Session of the Pennsylvania State Senate. We pray a special blessing upon these Senators and their families both individually and collectively. We are prone to minimize the terrific responsibility resting upon their shoulders. We pray that Thou would help us as citizens to be consciously thankful for the many hours of dedicated and sometimes thankless service given by these Legislators in the performance of their many difficult duties facing them.

Not only do we pray for these Senators but we also pray for the leadership in this august Body, the President pro tempore of this Senate and all other officials charged with the awesome responsibility of directing the affairs of this sovereign entity of our State government.

We pray for all the Members of the House of Representatives and their Leadership. We pray for our Governor and his Cabinet and those associated with him in endeavoring to build for us a better State in which to live.

We pray for our President of these United States. We pray that Thou wouldst give him divine guidance in solving the many tedious problems facing this Nation today. We pray for the fifty-three American citizens being held as hostages by the militants of Iran. Grant that these persons may be treated humanely while in bondage and safely returned to their families.

In pursuit of solutions to the problems facing these Legislators, we pray that Thou would give them:

A lowly, contrite heart, believing, true and clean.

Which neither life nor death can part from him that dwells within!

A heart in every thought renewed, and full of love divine;

Perfect, and right, and pure and good,

A copy, Lord, of Thine.

These blessings we ask in the name of the Father, Son and the Holy Ghost. Amen.

JOURNAL APPROVED

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

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

SENATOR ZEMPRELLI TO VOTE FOR SENATOR LEWIS

Senator ZEMPRELLI. Mr. President, I request a legislative leave of absence on behalf of Senator Lewis, who is attending a municipal pension workshop in Pittsburgh.

Mr. President, I have no further requests for leaves of absence at this time. However, I have been advised by Senator Coppersmith that he is in transit and I do not contemplate voting him until he does arrive.

The PRESIDING OFFICER. The Chair hears no objection and the leave is granted.

CONGRATULATIONS TO THE PRESIDING OFFICER

Senator HAGER. Mr. President, I could not let this opportunity go by without congratulating you on the splendid job you are doing having ascended to the Chair of the Senate.

The PRESIDING OFFICER. The Chair thanks Senator Hager. I have just begun to preside.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2268**, which was referred to the

Committee on Environmental Resources.

He also presented for concurrence **HB 2032**, which was referred to the Committee on Public Health and Welfare.

REPORTS FROM COMMITTEE

Senator **SCHAEFER**, from the Committee on Judiciary, reported, as committed, **SB 1410** and **HB 2261**.

BILLS INTRODUCED AND REFERRED

Senators **STOUT**, **JUBELIRER** and **BODACK** presented to the Chair **SB 1446**, entitled:

An Act authorizing the State Armory Board of the Department of Military Affairs and the Department of General Services with the approval of the Governor to sell at public sale a tract of land, together with the buildings and structures appurtenant thereto, in the City of Altoona, Blair County, Pennsylvania, containing 17,312 square feet, more or less, and providing for the disposition of the proceeds from such sale.

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

Senators **SCHAEFER**, **ZEMPRELLI**, **ROMANELLI**, **BODACK**, **PECORA**, **EARLY** and **SCANLON** presented to the Chair **SB 1447**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law," providing for a delay of assessment relating to improvements to dwellings.

Which was committed to the Committee on Local Government.

Senator **SMITH** presented to the Chair **SB 1448**, entitled:

A Supplement to the act of (P. L. , No.), entitled "Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1980," itemizing appropriations required from the Federal Revenue Sharing Trust Fund for the proper operations of the several departments of the Commonwealth authorized to spend Federal Revenue Sharing Trust Fund moneys.

Which was committed to the Committee on Appropriations.

Senator **SCANLON** presented to the Chair **SB 1449**, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further providing for fees.

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

Senators **GURZENDA**, **SCHAEFER** and **SMITH** presented to the Chair **SB 1450**, entitled:

An Act amending the act of June 13, 1907 (P. L. 560, No. 373), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same;..." requiring the word "Pennsylvania" to appear on the flag of the Commonwealth.

Which was committed to the Committee on State Government.

Senators **GREENLEAF**, **COPPERSMITH**, **PRICE** and **LLOYD** presented to the Chair **SB 1451**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," providing for a panel of review, monitor and aid in improving ambulance service available to travelers of the Pennsylvania Turnpike.

Which was committed to the Committee on Transportation.

Senators **GREENLEAF**, **BODACK**, **TILGHMAN**, **O'CONNELL**, **PRICE**, **SCHAEFER**, **LLOYD**, **DWYER** and **STOUT** presented to the Chair **SB 1452**, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), entitled "Legal Holiday Law," providing that the Saturday before Memorial Day shall be known as Viet Nam Veterans Day and observed as a holiday.

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

SB 10 TAKEN FROM THE TABLE

SB 10 (Pr. No. 1834) — Senator **ZEMPRELLI**. Mr. President, I would move at this time and call from the table Senate Bill No. 10. Mr. President, I would request a roll call vote.

On the question,

Will the Senate agree to the motion?

Senator **ZEMPRELLI**. Mr. President, it is no secret that Senate Bill No. 10 is a rather controversial bill, one that involves geography, one that involves the assessment of additional fees and contrary to some of the innuendos that may have been made in analysis of that would show that the fees are extensive. To produce \$95 million, and very little of which falls upon the trucking industry as a matter of fact, is one of the integral parts of Senate Bill No. 10. There is an increase in the registration fee from—

POINT OF ORDER

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

The **PRESIDING OFFICER**. The gentleman from Lycoming, Senator Hager, will state it.

Senator **HAGER**. Mr. President, is it my understanding that we are now voting on the issue of whether or not to remove Senate Bill No. 10 from the table. It is strictly procedural and has nothing to do with the substance of the bill unless the gentleman has changed it and we are now voting on the issue itself.

It seems to me, Mr. President, it is still on the table, is it not?

Senator **ZEMPRELLI**. Mr. President, I understand that the request for discussion on the motion to move the bill from the table may be somewhat pushing the rules, so to speak. However, Mr. President, so that we can fully appreciate the impact of Senate Bill No. 10 itself, a defeated motion for Senate Bill No. 10 to keep the matter on the table would be pretty much an expression of position with respect to the merits of Senate Bill No. 10. After I had concluded my remarks, I was going to ask that the Senate vote negatively with respect to Senate Bill No.

10 and that I was accommodating the request to bring Senate Bill No. 10 before the Senate only from the point of view as to determine the sense of the Senate with respect to the bill.

I, personally, Mr. President, would view a negative vote as to Senate Bill No. 10 on the motion to remove from the table, a vote against the merits of the bill. I would also view a positive vote to remove Senate Bill No. 10 from the table as a vote in favor of the bill.

Therefore, Mr. President, the arguments that I was making in opposition to Senate Bill No. 10 are therefore predicated upon that argument.

Senator HAGER. Mr. President, it would seem to me, that in responding to my point of order, the gentleman continues to flaunt the rules. I would ask the Chair to instruct the gentleman, as well as everybody else here, that it is neither proper nor very politic to so characterize people's votes in advance on a procedural motion. The gentleman has said he would view somebody's vote on this motion as a substantive vote on the issue. It seems to me the gentleman may do that if he wishes, but that, of course, is not the rule of the Senate and it hardly can be considered a vote on the substantive issue.

Senator ZEMPRELLI. Mr. President, I am sure that I was not speaking on behalf of the Senate. I was very clear to say and wish to emphasize again, that it is my feeling, as it has been in the seven years that I have been here, that there is a certain consistency between a motion to remove from the table—

Senator HAGER. Mr. President, can we have a ruling on my point of order?

The PRESIDING OFFICER. The Chair rules that debate on this motion is out of order. The Manual of Legislative Procedure, Mason, page 331, Rule D-6 provides that the motion to take from the table may not be laid on the table, et cetera. It is not subject to debate. It requires for adoption a majority of the legal votes cast. The issue before the Senate then is the roll call.

Senator ZEMPRELLI. Mr. President, I ask for a negative vote on the motion to remove the bill from the table.

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

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

YEAS—29

Andrews,	Hankins,	Loeper,	O'Connell,
Arlene,	Hopper,	Lynch,	Price,
Corman,	Howard,	Manbeck,	Ross,
Dwyer,	Jubelirer,	McKinney,	Smith,
Fumo,	Kury,	Mellow,	Snyder,
Gekas,	Kusse,	Moore,	Stauffer,
Gurzenda,	Lloyd,	Murray,	Tilghman,
Hager,			

NAYS—18

Bell,	Holl,	Pecora,	Schaefer,
Bodack,	Kelley,	Reibman,	Stapleton,
Early,	Lewis,	Romanelli,	Stout,
Greenleaf,	Lincoln,	Scanlon,	Zemprelli,
Hess,	Messinger,		

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

GUESTS OF SENATOR HENRY G. HAGER PRESENTED TO SENATE

Senator HAGER. Mr. President, we are graced today in the Senate by the presence of a traveling bridge team which has played in such far away and exotic places as the Bahamas and yesterday actually played at the Penn Harris Motor Lodge, sampled some of the night life of Harrisburg, were regaled by the gentleman from Montgomery, Senator Tilghman, the gentleman from Warren, Senator Kusse, the gentleman from Luzerne, Senator O'Connell, the gentleman from Centre, Senator Corman, the gentleman from Allegheny, Senator Pecora, the gentleman from Lawrence, Senator Andrews, and a number of others, and today, I have brought their act to the Senate of Pennsylvania.

It is with great pleasure that I ask the Senate of Pennsylvania to meet and greet the bus driver, Mrs. John C. Lundy, the two passengers, Mrs. Joseph M. McNerney and Mrs. John Schultz and the Tour Director, Mrs. Henry G. Hager, my mother.

The PRESIDING OFFICER. Will the ladies from Williamsport please rise so that the Senate may give them its traditional warm welcome?

(Applause.)

The PRESIDING OFFICER. The Chair is delighted to welcome the ladies to Harrisburg and hope they have an enjoyable visit here to the Senate of Pennsylvania.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, as I understand the proper procedure in parliamentary order, the regular Calendar should be treated in priority to a Supplemental Calendar, is that correct?

The PRESIDING OFFICER. It is whatever the Senate wishes to do, Senator Kelley.

Senator KELLEY. Mr. President, as the call from the Chair without the question being propounded to the Senate, is the Chair's prerogative a discretionary one or is it the orders of the day to treat the regular Calendar prior to the Supplemental Calendar?

The PRESIDING OFFICER. The reason we have Senate Bill No. 10 off the table is because Senator Zemprelli made a proper motion at the proper time and the motion was carried. We are now on the Calendar.

Senator KELLEY. Mr. President, are we on the regular Calendar in priority to the Supplemental Calendar?

The PRESIDING OFFICER. We are waiting for the Senate to decide that and I am waiting for some direction from the Leadership.

Senator KELLEY. Mr. President, I call for the orders of the day on the regular Calendar prior to the Supplemental Calendar.

SUPPLEMENTAL CALENDAR CALLED UP OUT OF ORDER

Senator ZEMPRELLI. Mr. President, it is my understanding of the rules that the regular Calendar is the agenda and priority for consideration and that it does not require a motion, nor is the motion binding.

As a matter of fact, Mr. President, so as not to confuse the situation, but to otherwise bring the priorities in perspective for consideration, I would move at this time that we consider the Supplemental Calendar in lieu of the regular Calendar and admit to the gentleman from Westmoreland, Senator Kelley, that the regular Calendar is the first order of business.

If it is necessary, I would request a roll call vote on the motion to consider the Supplemental Calendar out of order.

On the question,

Will the Senate agree to the motion?

Senator KELLEY. Mr. President, on the question in respect to the Majority Leader's statements that regular orders of parliamentary procedure would be the regular Calendar first, I, dutifully respecting that and agreeing with it, make no further objection thereto, but, of course, I am opposed to it.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 10 (Pr. No. 1834) — Senator ZEMPRELLI. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 10, entitled:

An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain truck and truck tractor registration fees, providing for motor carriers road tax identification markers; further providing for studded tires; providing penalties; providing for annual inspection of vehicles; further providing for stationary scales and the weights of vehicles, changing certain penalties and making certain appropriations.

On the question,

Will the Senate agree to the motion?

Senator ROMANELLI. Mr. President, I desire to interrogate the gentleman from Lycoming, Senator Hager.

The PRESIDING OFFICER. Will the gentleman from Lycoming, Senator Hager, permit himself to be interrogated?

Senator HAGER. I will, Mr. President.

Senator ROMANELLI. Mr. President, since the Majority Leader is pontificating the position of the Administration, I have chosen to ask questions of him. I would be interested in knowing how much revenue is anticipated by increasing the truck weight limit to 80,000 pounds.

Senator HAGER. Mr. President, there may come a time, as it already has, when I feel I do not have the specific information required to answer inquiries, and I would like to be able to consult both with the Minority Chairman of the Committee on Appropriations and the Minority Chairman of the Committee

on Transportation, so we will be able to answer those questions in some useful way.

If we may be at ease, Mr. President, I will see if I can get that answer.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease).

Senator HAGER. Will the gentleman restate the question, Mr. President?

Senator ROMANELLI. Mr. President, how much revenue is anticipated by increasing the truck weight limit from 73,280 to 80,000 pounds?

Senator HAGER. Mr. President, the sheet before me, which has been given to me by the gentleman from Lebanon, Senator Manbeck, says that truck registration fee increase assuming 80,000 pounds, would be \$30.6 million.

Senator ROMANELLI. No, Mr. President, the increase in fee from 73,280 to 80,000 pounds, how much revenue will that generate? My staff and I computed it at approximately \$6 million. The \$30 million figure, Mr. President, is generated by the entire piece of legislation.

Senator HAGER. Mr. President, I think the gentleman from Allegheny, Senator Romanelli, is incorrect. I believe what he means to say is the \$30.6 million is generated by the increase in fees for all truck weights.

Senator ROMANELLI. All truck weights, right, Mr. President.

Senator HAGER. Yes. Mr. President, I am told by counsel that the figure is closer to one-half of the \$30.6 million which is generated by the increase in allowable weight from the 73,280 to 80,000 pounds.

Senator ZEMPRELLI. Mr. President, we figured it at \$6 million.

How many of these trucks that will be registered between 72,000 and 80,000 pounds are already registered in Pennsylvania at a weight limit under 72,000 pounds?

Senator HAGER. Mr. President, the gentleman from Lebanon, Senator Manbeck, tells me he does not have that information with him. We will be able to get it for the gentleman if he would like. If the gentleman would like to give me these questions, we can take a recess of the Senate, and we will do our best to answer each of them—unless what the gentleman really wants is to ask these questions without preparing us for answering any of them.

Senator ROMANELLI. Mr. President, does the gentleman have any idea how much it costs to resurface one mile of highway in Pennsylvania?

Senator HAGER. Mr. President, the best information I am able to get from the Minority Chairman of the Committee on Transportation, is that the figure varies depending upon the area of the State and the terrain in which we are working, but as an average, about a million dollars per mile of four-lane highway.

Senator ROMANELLI. Mr. President, I have been told the cost is approximately \$3,000, and I think it is a misprint, I think it is \$3 million to surface a mile of interstate highway and the Commonwealth will receive \$6 million from the revenue if the General Assembly increases the truck weight limit to 80,000 pounds.

Mr. President, I simply do not believe that it is worthwhile to jeopardize the safety of the citizens of this Commonwealth so that the Department of Transportation can resurface 200 miles of highways.

I realize that by rejecting the 80,000 pound limit, I may be prolonging the repair of one more bridge of Allegheny County, but I also realize that by authorizing 80,000 pound limits, we may be promoting another devastating truck accident in Pittsburgh's Golden Triangle.

In 1974 when Congress increased weight limits on interstates to 80,000 pounds, fatal accidents involving trucks over 22,000 pounds increased by fifty per cent, while during that same time, car accidents increased only 7.2 per cent.

Last year, this Senate approved a gas tax hike because the Governor said he had been mandated to rebuild Pennsylvania's highways. This year, the Governor wants the Senate to increase the weight limit on trucks in Pennsylvania. We all know that the heavier trucks will insure that our highways will be crumbling faster than we can rebuild them.

I simply do not understand how in one year, the Senate voted a tax increase and then in an election year, votes to authorize the destruction of our highways.

Last August, in just thirteen days in Allegheny County, three big steel-hauling trailer trucks ran wild, bowling over sixteen autos, killing one person, injuring fifteen others. There have been additional accidents since then. In that same thirteen-day period, a house was completely destroyed, burned to the ground by a runaway truck.

A Federal squad made a surprise inspection along Interstate 80, detained 676 rigs and wrote up 352 violations, including 340 for defective brakes.

Events such as these led one television station to comment: "We've finally found a way to help us forget all the potholes in Pittsburgh roads. Now when we're driving, our eyes are riveted on runaway trucks."

Last week, while on a radio station, I was presented petitions with 8,000 Allegheny County voters names on them. I now want to offer these petitions as part of this official record of this Senate in opposition to the increased weight of trucks in this State, weight limits, and demanding the General Assembly to increase the safety standards of trucks traveling through Pennsylvania.

Mr. President, I propose and will offer later on today's agenda, amendments to a bill to add all of the safety requirements that are in Senate Bill No. 10, plus all of the income-raising amendments that are in Senate Bill No. 10. There is no need to increase the weight limits that are increased in Senate Bill No. 10 or lengthen trailer trucks by five feet. Any of us, especially those of us who live in the west who drive the Pennsylvania Turnpike and drive Pennsylvania's highways, know what a problem these trucks presently are at their current weight and length. To increase them would be a fatal mistake, Mr. President.

I move that we reject Senate Bill No. 10.

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

The PRESIDING OFFICER. Will the gentleman from Alle-

gheny, Senator Romanelli, permit himself to be interrogated?

Senator ROMANELLI. I will, Mr. President.

Senator HAGER. Mr. President, I am aware of how emotional an issue this is in western Pennsylvania. Mr. President, can the gentleman from Allegheny, Senator Romanelli, tell us how much the truck weighed that caused the most recent accident?

Senator ROMANELLI. Mr. President, it was overweight by three ton. The most recent accident is not included in this statement. It was overweight by three ton, careened off a building, killed four people, caused a woman to lose a baby and it injured seven others. In answer to the question, it was three ton overweight.

Senator HAGER. Mr. President, three tons over what weight?

Senator ROMANELLI. Mr. President, over 73,280.

Senator HAGER. Mr. President, how about the others that the gentleman has talked about, were those trucks weighed with the contents?

Senator ROMANELLI. Sixteen of the nineteen trucks involved in fatal truck accidents in western Pennsylvania were ruled overweight and had faulty brakes.

Senator HAGER. Mr. President, how much over 80,000 pounds were they?

Senator ROMANELLI. Mr. President, I have a newspaper article that I will read to you in regard to the overweight truck situation in this State. A statement by a truck driver that says he was forced five days in a row to load his truck at least 20,000 pounds over the weight limit.

Senator HAGER. Mr. President, I think that makes the point. The issue really is not 80,000 pounds or 73,280, the real issue is how many trucks do we have on the highways today which exceed not only the present limit but also the excess limit of 80,000 pounds? Not only that, Mr. President, I would like to call the gentleman's attention to the great pounding he says the highways are going to take at 80,000 pounds. The gentleman from Allegheny, Senator Romanelli, neglects to mention the reduction and permissible axle weight from 36,000 to 34,000 pounds. The gentleman neglects also to mention the fact that throughout much of western Pennsylvania, his own area, I assume, although not his own district, as well as much of mine, all of central Pennsylvania, we are having severe difficulty with anyone being able to get their milk to market because of the enforcement there against the milk haulers whose tankers exceed 73,280 pounds and who are being written up for it. The gentleman neglects to mention also the problem of all the surrounding States having a truck weight limit in excess of ours, the problems that causes us so far as revenue, so far as traffic, so far as virtually everything is concerned. The gentleman neglects to mention the additional possible enforcement to make sure that we do not have difficulties above the 80,000 pounds, which, in fact, is where all our difficulties are.

Mr. President, the 73,280 pound limit is not being adhered to today. The 80,000 pound limit, even if it were in place, is not being adhered to today. The real answer, it seems to me, is to face this thing, not on an emotional issue of burned out brakes and truckers who refuse to comply with inspection for safety, but to make sure that we do have adequate enforcement out

there, but at the same time are able to fix our highways.

Frankly, Mr. President, if Senate Bill No. 10 does not pass, every one of us for our districts faces a severe reduction in maintenance money. This bill alone will not give us even the maintenance level we had over the past year, but it does at least insure that we will get to ninety per cent of that level.

Mr. President, I understand exactly what those accidents have done out west. I have seen and heard the television, radio and the newspaper coverage. I have seen the editorializing which has been done, not all on the editorial page either, but I have also begun to see emerge in the west a new editorial position, which frankly says those truck accidents are not a function of truck weight, and do not have anything to do with this and that the wiser course of action is to vote affirmatively on Senate Bill No. 10 and deal with those enforcement problems with enforcement and not with revenue-raising measures.

Senator ANDREWS. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Romanelli.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Senator Romanelli, permit himself to be interrogated?

Senator ROMANELLI. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman from Allegheny, Senator Romanelli, if he ever takes the Pennsylvania Turnpike to and from Harrisburg?

Senator ROMANELLI. Three times a week, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman if he knows the permissible weight limit on the Pennsylvania Turnpike?

Senator ROMANELLI. Mr. President, there is no weight limit enforced on the Pennsylvania Turnpike. We are aware of that. I think it is 100,000 pounds.

Senator ANDREWS. Mr. President, the permissible weight limit on the Pennsylvania Turnpike is 125,000 pounds and there are not any more accidents on the Pennsylvania Turnpike than on any other major road in Pennsylvania.

Senator ROMANELLI. Mr. President, I do not think that is so. I see an average of three accidents a month on the Pennsylvania Turnpike and I am going to tell you something. The gentleman from Lawrence, Senator Andrews, just hit the nail on the head. The problem is enforcement. We have laws in the books and we do not enforce them. In regard to the Minority Leader's statement that this bill is necessary to raise the revenue to fix our highways, it is not necessary. I have the amendments to Senate Bill No. 1060 that will raise the revenue to do the work, without raising the truck weights or the length of trailer trucks.

Mr. President, the devastation on Pennsylvania's highways has got to be corrected before we even consider raising weights or sizes of trailer trucks. You cannot pass them now. They are a menace to the highway. I do drive the turnpike, I know what I am talking about, and that is why I am so vehemently opposed to increasing that weight limit.

Mr. President, let us get the safety measures through first, then consider raising the weight. Let the Federal government do it. They are about to do it in Congress. If they do it then we can go to the Federal government to get the necessary funds to repair the interstate system that is so badly needed, but not by

doing it in Pennsylvania. I think this is a travesty, Mr. President.

Senator STAUFFER. Mr. President, if the issue raised by the gentleman from Allegheny, Senator Romanelli, weight alone, was the only issue involved in Senate Bill No. 10, I would be joining him in voting in the negative. However, Mr. President, my view of Senate Bill No. 10 is one that is much more important than the issue of pure weight alone and that is the economy of Pennsylvania and the future of this State. Anyone who takes a look at the economic condition of Pennsylvania today and the bleak future we face without some corrective measures has to realize that we have to move into the 20th Century.

At the present time, Mr. President, we are in Iowa. All the States around us, most of the States throughout the country have 80,000 pound limits and sixty foot truck lengths. Mr. President, we have to permit our businesses and our industries to compete with those other States if we are going to have economic growth or even to retain the economy that we already have in this Commonwealth.

Mr. President, I think one thing is very important in this issue and that is that every truck is not immediately going to be loaded with 80,000 pounds with the enactment of this legislation. With longer trailers we are going to have manufacturers, for example, who produce cabinets for television sets who cannot haul the quantities now that can be hauled in other States, and thereby making us less competitive, be able to move into the competitive market.

Mr. President, in my own district one of the plants pointed out to me the problem of hauling a commodity as light in weight as lightbulbs because we all know with the light corrugating packing of lightbulbs, you do not have much weight, but you have a lot of bulk.

Mr. President, unless we permit trailers that will carry the amount of bulk that they can carry in other States, this State is not going to be economically attractive and we are not going to be providing the jobs and the opportunities that our people need. We have to recognize that. Moving into the same sphere with other States so that we can become competitive again is essential and that is the reason I am going to vote for Senate Bill No. 10.

Senator MANBECK. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Romanelli.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Senator Romanelli, permit himself to be interrogated?

Senator ROMANELLI. I will, Mr. President.

Senator MANBECK. Mr. President, can I get the answer as to how many States have the 80,000 pound limit for trucks?

Senator ROMANELLI. Mr. President, I think it is forty-three.

Senator MANBECK. Mr. President, can the gentleman from Allegheny, Senator Romanelli, tell me what the trucks that are registered in the State of Pennsylvania are restricted to when they go into the 80,000 pound States?

Senator ROMANELLI. Mr. President, whatever they are licensed to haul in Pennsylvania, the 73,280.

Senator MANBECK. Mr. President, can the gentleman tell me how many trucks Roadway has listed or licensed in the

State of Pennsylvania?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. Mr. President, can the gentleman tell me how many Hall's Motor has registered in the State of Pennsylvania?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. Mr. President, can the gentleman tell me how many vehicles are registered in Class 20?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. In Class 21, Mr. President?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. In Class 22, Mr. President?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. In Class 23, Mr. President?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. In Class 24, Mr. President?

Senator ROMANELLI. No, I cannot, Mr. President.

Senator MANBECK. In Class 25, Mr. President?

Senator ROMANELLI. Or in Class 25 either, Mr. President.

Senator MANBECK. Class 25 is 80,000 pounds.

Mr. President, I think the Members of the General Assembly should know that the trucks that are registered in the State of Pennsylvania at 73,280 pounds are restricted to carry that in any other State.

For the Senate's information, Roadway, which is one of the largest trucking firms, has forty-three tractors licensed in the State of Pennsylvania and fifteen trailers and seven mobile units. Hall's Motor has 3,380 in the State of Pennsylvania. Carolina has only 162 licensed in the State of Pennsylvania. This is all because they are restricted to 73,280.

For the information of the Senate, there are licensed in the State of Pennsylvania 2,000 in Class 21; in Class 22, there are 5,000; in Class 23, there would be 22,000; in Class 24, there would be 3,000; in Class 25, there would be 1,000 trucks listed to carry 80,000 pounds.

I think one of the facts that has been missed by most of the people and has not been brought out in the news media is when we talk about total weight limit, we are talking about 80,000 pounds. But under the 73,280 pounds, the trucking industry is allowed to carry 36,000 pounds per axle. Under the new bridge formula, a formula that has destroyed the highways in the coal mining industry and the steel industry is the axle rate. They are allowed to carry 36,000 pounds.

If Senate Bill No. 10 is enacted, the trucking industry is allowed to add five more feet to the overall rig. The trailer will stay at the same forty feet as it is today, but it would make it possible under the formula to distribute the weight where they would be allowed to carry only 34,000 per axle which would reduce the weight and the stress that is put onto the highway and the bridges. I think the people in Allegheny County and the western coal-producing areas should be very much interested because their bridges and highways are in a terrible condition.

Unfortunately, I am committed to vote for the formula which will funnel much of the funds to the western part of the State and to the places where the highways are in very bad condition.

Senator ZEMPRELLI. Mr. President, I have listened with a great deal of interest to the arguments and I have learned

something that one should only pursue his point of view and not really take into consideration some of the ancillary arguments that can be made.

My very good friend, Mr. President, the last speaker, the gentleman from Lebanon, Senator Manbeck, referred to the fact that the weight in and of itself is not a factor. While he was articulating that position, I could not help but think that nobody reflected upon the absolute catastrophe that would result from an increase in the length of the truck from fifty-five to sixty feet and the havoc that would play in western Pennsylvania, in that geographic area and to some of the areas that the gentleman is so familiar with.

Let me show you by example the inconsistency of what the gentleman is talking about. The Elizabeth Bridge is a bridge that crosses the Monongahela. It has ramps that are very frequently used to travel both north and south on Route 51 and Route 837. Last week the Department of Transportation put in all new guardrails. The reason it put in all new guardrails is that consistently the old guardrails are ripped out and they are ripped out for one reason—the fifty-five foot "semitracs" cannot make the radius on that bridge.

It certainly seems to me that an unsuspecting truck driver, regardless of his origin, has a right to believe that the rig that he is driving can, in fact, turn the radius on a bridge. That involves his cargo and his life. That cannot happen on the Elizabeth Bridge because the first truck that comes through there that is five feet longer will rip out the abutment, will rip out the guards and he will destroy himself, his cargo and that bridge.

That is nothing more, Mr. President, than an isolated illustration of the geographic problems that we in the west have and hope you are appreciative of.

I am aware of the classic arguments that we exist as an island. I am aware of the classic arguments as to what is going on in our sister States and I understand when people talk of the detriment to the economy. But, there is a patent inconsistency to say to people, "Operate a smaller vehicle, but allow a larger truck." There is inconsistency to tell people they should be allowed to extend the widths and the lengths, or at least the lengths of these rigs when in fact doing so does not increase the payload that great.

Not all truckers are for this legislation because I have had a number of them who called upon me and who have said to me that if you increase the limit on the weights, at least half of that would go into the weight of the rig itself and not the payload, so therefore, I wonder at the overall economic advantage in moving from 73,280 to 80,000 pounds.

But additionally, Mr. President, we are concerned about the bridges in western Pennsylvania and, whether it be three axles or two axles, the resulting damage to those structures because there is not a bridge in western Pennsylvania that is certified as against a weight limit that would not allow these particular vehicles to travel now, let alone when you have increased the length and the weight.

Mr. President, I agree with the gentleman from Lawrence, Senator Andrews, when he says the turnpike allows a particular weight, but unfortunately the turnpike, as good a road as

it is, is not the typical road or bridge or highway in suburban western Pennsylvania.

What are the statistics? One per cent of all vehicles on the road represent heavy trucks, but eleven per cent of them were responsible for the accidents in 1979. Truck accidents and car-truck accidents have risen by thirty-nine per cent in the last ten years. Increasingly, we have people coming into the State of Pennsylvania with inspections on vehicles that have been exceedingly substandard. One per cent of our 26,000 heavy trucks are inspected by the Federal government and the result in 1979 was this: Forty-two per cent of those—one per cent of the trucks inspected—were found to be imminently hazardous.

The argument is presented, well, they are riding overweight anyway. If you restrict them to 73,280 and they are now carrying 80,000, but that suggested that that is nothing more than what is happening. Listen to one thing I have to say in this argument that the same person who is restricted to 73,280 and is carrying 80,000 pounds, when he is allowed to carry 80,000 pounds, his payload will be 89,000. Therein is the story of what is additionally wrong with this kind of legislation because it is not a panacea of resolution. It is a panacea of additional catastrophe.

Mr. President, I cannot speak too long or too sincerely on the absolute catastrophe that this kind of legislation will wreak in western Pennsylvania. It is unfortunate that the problem results into basically one of geography because consistent with what I am saying, I can understand how those like the gentleman from Lebanon, Senator Manbeck, and others, could support this legislation, and why others of us who have an entirely different problem have to appeal to the rest of you to understand that we cannot equate the safety of our people, the condition of our roads and bridges with the ability to compete economically among the States. It is not a fair comparison.

Mr. President, I would hope that everyone in this Chamber would recognize what is happening in this legislation to western Pennsylvania and vote negatively on this bill.

Senator LINCOLN. Mr. President, as it has been in the past, it is my unfortunate position to follow such a fine speaker and I will keep my remarks much briefer than I intended for that reason.

Mr. President, I concur wholeheartedly with the gentleman from Allegheny, Senator Zemprelli, and I think that Senate Bill No. 10 is probably one of the worst pieces of legislation that I have had the good fortune or the misfortune to deal with since I have been in the Pennsylvania General Assembly. I think Senate Bill No. 10 is bad in that it has definite safety factor risks for the driving public in Pennsylvania. I think it is bad also because we have been able to mislead the general public in Pennsylvania by making them believe that we are giving to the trucking industry 80,000 pounds and the sixty feet in return for increased fees totaling \$95 million. That is just as far from the truth as you can possibly get, Mr. President.

Questions were asked earlier of the Minority Leader and if I were in his position I would have tried not to answer them, too. It is only about \$6 million for the fees by going from 73,280 to 80,000 pounds. The total package that is going to be paid by the trucking industry is around \$30 million.

Mr. President, we are asking our constituents to pick up that load to allow those heavier trucks on the highways. I was amused by the comments of the gentleman from Lawrence, Senator Andrews, that it is safe to drive on the Pennsylvania Turnpike with the excess weight.

The problems that we are having and the safety that we are concerned about is not for the individual specifically traveling on the Pennsylvania Turnpike, but on the hills-and-dales and the Pinchot Roads in western Pennsylvania and throughout the Commonwealth. That is where the accidents are happening. That is where people are getting killed. People in homes, sitting watching TV some night as a family and one of these trucks comes driving through your home, not somebody out on the turnpike. That is not the problem with the 80,000 pound limit.

An interesting statement that the gentleman from Allegheny, Senator Zemprelli, brought out and one that I have taken the time to read and look up is, and it is interesting in this respect, that we hear every other State has 80,000 pounds and that is why we should flock right to the altar and give it to them. Let me tell you, Mr. President, between 1975 and 1978, the percentage of fatalities that increased during that time—by the way 1975 is when the Federal law went into effect allowing 80,000 pounds—the percentage was over forty-seven per cent increase in fatalities. You know, Mr. President, sometimes the argument that everyone else has something is not always the best. Sometimes it is used a little bit too much when they try to get us in Pennsylvania to go along with some of our neighbors.

Mr. President, I could tell you little things like the guy that you are going to have to talk to in your local offices who got out on the highway one night and he was going a little bit over the speed limit and he was suspended for that violation. He paid a fine, and he paid court costs for that violation. He may lose work if he cannot drive. He comes back after the legal suspension time is up and what is he asked to do, he is asked to pay probably the most poorly managed business in the State government, or any government involved, PennDOT. They want him to pay \$25 to get his license back, after paying the legal fine and going through the legal suspension. That is ridiculous, Mr. President, and I cannot wait until somebody who votes for this gets an opportunity to answer to some irate constituent in their home district office.

Mr. President, you talk about the length. I remember in 1973-1974, when I first came into the Pennsylvania General Assembly and we were talking about increasing the length of trucks and trailers from fifty-five to sixty feet and I still have string down in my file cabinets where I received over 100 letters with sixty foot of string in them from people who emphasized to me just how long that was. I tell you, Mr. President, the man on the street is not going to be as easy to convince in 1980, any more easy then he was in 1974; that is just too long and it is not safe.

The percentage of increase for the inspection stickers is also going to cause you who vote for this a little bit of fun when you go home. I was here once when we passed an inspection fee sticker increase. It went from ten cents to a quarter. The service station attendants and operators at home whenever they got that increase of fifteen cents they raised by \$3.00 the

amount of money they charged my constituents for an inspection. What did they tell them? "The General Assembly, your Legislator is the one that caused that. He voted for that piece of legislation." I guarantee you when you raise that from twenty-five cents to a dollar, that same thing is going to happen, and you are going to get the blame for someone making a little bit more money off an inspection. Think about that one a little bit when you are getting ready to vote, Mr. President.

Another thing is we have been trying to help our car dealers. We have passed some legislation increasing the amount of interest that can be charged and making it easier for people to get loans. Now we are going to go back home and tell them when you buy that car, you are going to pay three times as much for a title, from \$5.00 to \$15. The biggest fund raising portion of Senate Bill No. 10 is that portion right there, \$28 million, just for titles going from \$5.00 to \$15.

Mr. President, I could go on and on and on but I think there will be some other people who probably will have something to say. So, in conclusion, the only thing I can say is, I really believe that Senate Bill No. 10 is a bad piece of legislation. I think it is bad because it is going to contribute to further deterioration of the safety of the Pennsylvania highways. I think it is a very good example of the poor management that has continued through one Administration to another, at PennDOT. I think, basically, it is a bad piece of legislation because it is unfair to ask the driving public, the motorists that you and I represent, to pay additional funds through a very thinly disguised tax increase hidden as administrative fees.

Senator BELL. Mr. President, I think something that the gentleman from Allegheny, Senator Romanelli, said earlier was not heard. I think there was so much fire and smoke that the gentleman's statement earlier was not heard. The gentleman has an amendment that he is going to submit to another bill that will put Senate Bill No. 10, less the 80,000 pounds, less the five foot extension for trucks, into another bill.

Mr. President, what the gentleman from Allegheny, Senator Romanelli, has proposed is what I heard someone else say today. Why do we have to have the 80,000 pound truck? Why do we have to have a heavy truck bill to raise the money? The gentleman from Allegheny, Senator Romanelli, has the answer. You do not have to have the extra weight and the extra length.

Mr. President, I am going to support the amendments of the gentleman from Allegheny, Senator Romanelli.

Mr. President, I then heard the gentleman from Lebanon, Senator Manbeck, bring up a point that our trucks are licensed to carry 73,000 pounds in Pennsylvania and when they hit a heavy truck state—does California have 100,000 pounds or something like that?—they can only carry 73,000. At lunch, the lady from Northampton, Senator Reibman, asked a question to the table: Can we not amend a bill to have a Pennsylvania truck permitted to carry the maximum weight applicable in the State in which it is traveling? In other words, 73,000 pounds in Pennsylvania, 80,000 pounds in Ohio, 100,000 pounds in California?

Yes, Mr. President, we can have another category called Category 25X, and specifically authorize that licensed truck to carry the maximum weight permitted in the State in which it is traveling.

To bring up another point, seven-eighths of this State is mountains. I have traveled every part of it, in every county. I had the good fortune for ten years to be the Assistant Commander of the Pennsylvania Army Guard and I was in every town of any size in Pennsylvania. Likewise, I have lived in Texas, I have lived in California, I have lived in Kansas, I have lived in many other States, and once you leave Pennsylvania you do not hit another mountain until you get to Colorado. There are different road conditions in California and the middle west than we have in Pennsylvania.

Mr. President, let me tell you something else. Some of you have superhighways in your area but with the exception of two roads in Delaware County, the roads that we travel on were there when George Washington was President. They were not designed, they were not planned for super long and super heavy trucks. I am not sold on the idea that if you put a little more weight on the truck it will not hurt the roads because the roads in my district will not carry the existing truck weights. We have in some of our older cities gas lines that are laid below the street surface. Remember, these trucks will be permitted to go anyplace in Pennsylvania unless the roads are restricted on weight and then they better have a cop standing nearby. When there is cold, cold weather and the ground freezes, the heavy truck will break those gas mains.

Mr. President, I also want to say something about bridges. I do not care how you distribute that load on axles. When there are bridge piers with the structure between the pier, it will still carry the heavier weight. We do have quite a few differences in here and I am going to vote against Senate Bill No. 10 only because of the weight and length because I think that my motorists, unlike the gentleman that preceded me, would much prefer to pay a few more dollars for an inspection sticker than to pay a couple hundred dollars to fix up a front end after they blow out the tires and throw the front end out of line from hitting potholes.

Senator STOUT. Mr. President, I rise in opposition to the adoption of the Conference Report on Senate Bill No. 10 because I oppose the increase to the length of the trucks and the increase in the weight to 80,000 pounds. There have been a number of printouts produced showing where the money that would be generated and the \$95 million would be allocated.

I think the residents of this State are being misled in believing that that \$95 million is being raised primarily from the trucking industry and it has been pointed out on the floor that the increase in the weights up to Class 25 only generates about \$6 million out of the \$95 million, so the great percentage of the cost would be borne by the general motorists in Pennsylvania.

In the formula that has been circulated around showing how these monies would be distributed, there are going to be a lot of people in Pennsylvania surprised if and when Senate Bill No. 10 is passed and signed by the Governor to find out that even with the passage of Senate Bill No. 10, there will be some \$45 million less revenue available for highway maintenance in the projected pie in the sky figure showing \$525 million and we are being set up to adopt the Governor's proposed slot sales tax to the gasoline tax and again the greatest portion of that cost will be borne by the motoring public in Pennsylvania.

The district I represent is on the border area with West Virginia and right over that State line is one of the largest truck stops on the Eastern Seaboard. What happens today is, these trucks are now carrying saddle fuel tanks with 250, 300, 400 gallons of fuel. They fuel up there and they can go clear across this State and use our highways and what are they going to be paying? They are going to be paying \$23 because we are going to put on a fuel sticker tax going from the \$2.00 sticker to the \$25 sticker.

The Minority Member of the Committee on Transportation pointed out how many Pennsylvania registered vehicles would be going up to Class 25 and the fact it would only project about \$6 million. That means there will be literally tens of thousands of trucks registered in others states that do have the 80,000 pound limit now that will be able to go across our highways and actually what they will be paying is an increase of \$23 to use our highways with these increased weights.

We have a very serious problem in the southwestern counties. In my particular district of Washington, Greene and portions of Fayette County, I have 130-some active strip mines. These are not only the so-called tri-axle dump trucks, but a lot of the other trucks are traveling over roads that were never built, never meant to haul those kinds of loads. We are losing bridges at the rate of more than one a month in District 12 alone.

The \$6 million we are going to generate from increasing the weight to 80,000 will do nothing to repair our roads and bridges. I think it is a miscarriage of justice.

Mr. President, I urge the defeat of Senate Bill No. 10.

Senator O'CONNELL. Mr. President, I would like to inform this Senate that my vote for Senate Bill No. 10 does not under any circumstances indicate that I am unconcerned about the safety of either the traveling public or the public generally. That is not so. Safety is an important factor as far as I am concerned and I would suggest that there is not a person in this Senate who would not give it first priority.

Loss of life or accidents under any circumstances are unfortunate no matter where or how they happen. We would all prefer that they be avoided without any question.

I would just like to suggest to the Members of the Senate that many trucks on the highways today are overweight. They are not necessarily in the maximum class of 80,000 pounds. I would suggest that they may be overweight in all classes that we license that creates the problem.

As the gentleman from Lycoming, Senator Hager, indicated, enforcement is the key. With the scale crews and with the weight crews not being dispatched across the Commonwealth and with more and more trucks being weighed, the possibility of overweight by the truckers or for running askance of the law is substantially less. We have the scales in northeastern Pennsylvania as a result of a detour. They are working very, very effectively. I know that because a number of truckers were complaining to me about being apprehended. I do not think there is any question about the installation of these scales and these weighing details on a Statewide basis being a very effective force in reducing the number of overweights that we have on Pennsylvania highways.

I would also like to suggest that only a very small portion, as the gentleman from Allegheny, Senator Romanelli, indicated, of these particular trucks will be licensed in the higher category.

I would also like to suggest that if the Federal government permits the 80,000 pounds, this Legislature would have to take appropriate action in order to be in compliance or to conform with the Federal Statutes and Pennsylvania truckers would continue to be penalized. I think Pennsylvania truckers are penalized substantially today because of their inability to carry the 80,000 pounds when Pennsylvania, in fact, is a corridor State and they take the chance of running overweight in hopes that they would not be caught.

I think we have a significant problem in my legislative district today. We are one of the largest milk producing areas in the State. We have a substantial purchaser of milk who is domiciled in the State of New Jersey. Farmland Dairies. He has licensed all his rigs in that State and he cannot carry the 80,000 pounds. Today he notified thirty Pennsylvania farmers that he no longer intends to come in to pick up their particular product, milk, which is tremendously important. This is going to be a penalty. There is one of a possible 450 people that ultimately could be affected, 450 farms, 450 farm families; a substantial portion of Pennsylvania's economy would be adversely affected if this Farmland Dairies elects to dispense with doing business with Pennsylvania farmers and elects as a result of this imposition to go to New Jersey and other areas.

For the information of the Senate, there is a glut of milk right at this particular time, and there has been, which further compounds the problem. Even beyond that, these farmers do not have a market for their milk. This is a very critical situation to the farmers, the Pennsylvania truckers, the economy of Pennsylvania and to the consumers of Pennsylvania.

I would ask favorable consideration, Mr. President.

Senator SCANLON. Mr. President, a lot of emphasis has been placed on the weight limitations being increased in Senate Bill No. 10. I am opposed to it for that reason, but I am opposed to it more so because of the increase in the overall length of the vehicles. In an old State such as Pennsylvania, where the inner-city streets in many cases are more accurately described as alleyways, it is ridiculous to permit any additional overall length to negotiate these streets.

As a matter of fact, Pittsburgh is now making a study to find a way to route trucks around the city because they are not only dangerous, but they are also too long and, therefore, very cumbersome to maneuver in our area. They are very prone to causing traffic tie-ups and otherwise cluttering up our narrow streets.

Mr. President, I urge a "no" vote on Senate Bill No. 10 for that reason.

Senator MANBECK. Mr. President, I would like to try to respond to some of the questions that were raised here. For instance, the streets that have been constructed many years ago that are not passable by the rigs that are sixty feet long, each municipality has the authority to restrict them from those highways.

When we talk about the weight, there was pointed out if you

put 80,000 pounds on a bridge, it does not matter where it is at, it is going to break it down. That is not true. When you distribute the weight according to the formula that is contained in Senate Bill No. 10, that will distribute the load according to the engineering of that particular bridge. I am very familiar with the bridge at Elizabeth which our Majority Leader has alluded to and I can see the problem there, but at least most of the traffic can cross that bridge, whereas many bridges in Allegheny County that have been closed because of the bad, hazardous condition which has been caused by the triaxle trucks which have been running up and down the counties and the State day after day after day overloaded.

The Department has made the studies and has recorded them. They know they are overloaded. As far as the Pennsylvania State Police are concerned, I am very disturbed that they have not been enforcing the traffic laws in the State of Pennsylvania. I wrote to the Commissioner and asked him for a review and a figure of how many truckers have been arrested for overloading or speeding an Interstate 78 and Interstate 81 going east of the city of Harrisburg. He wrote back to me about half of them were passenger cars, the other half were commercial vehicles.

I again wrote to him and ask him to place into the categories the number of trucks that were fined in each category. He responded that they did not have that record.

I think we must encourage the Pennsylvania State Police to enforce our weight laws and our speeding laws. It is real dangerous and I recognize that. I will continue to urge the Pennsylvania State Police to enforce the weight laws and the speeding laws.

As far as the licenses being revoked, as one of my colleagues has alluded, you must drive more than thirty miles over the speed limit before your license is revoked and I think then it is justified.

Senator KELLEY. Mr. President, with some degree of prejudice, I suppose, I listened to the debate so far on Senate Bill No. 10, and I believe that the most cogent argument, I believe, is made by the gentleman from Allegheny, Senator Zemprelli, because he talked in terms of the priority of human life and safety. The gentleman from Luzerne, Senator O'Connell, indicated that none of us have a monopoly on that and it is true. I think what we do here is going to measure the sincerity with which we approach that.

Mr. President, I would like to make one observation. It seems to me the greatest criticism of us is from the man and woman on the street that we are sometimes so impractical we have lost our horse sense and our common sense.

The argument that has been made here a number of times about the extension, the lengthening of the units and increasing of the weight of the big trucks while at the same time the Federal government has mandated and caused us to each have passenger vehicles which are lighter and smaller.

When you start compounding that problem and the inconsistency of that, it does not make horse sense or common sense to the man or woman on the street, let alone I cannot believe it makes horse sense or common sense to us, the elected Representatives. That, alone, Mr. President, is enough to reject it. I

think if we are going to be consistent and talk in terms if it is good for the people in their lives, in their safety and their passenger vehicles, then certainly it must be equally applied to the business and commercial vehicles.

Mr. President, I cannot for the life of me see how we can go to the other extreme, while we are reducing the passenger vehicles, to extend the length and increase the weight in the commercial and industrial vehicles. On that alone, Mr. President, I think it is time for us to get horse sense and common sense and vote "no" on Senate Bill No. 10.

MOTION TO RECOMMIT TO COMMITTEE OF CONFERENCE

Senator ROMANELLI. Mr. President, I rise to move to recommit the conference report to the Committee of Conference with the instructions that they eliminate the 80,000 pounds and the five foot length increase, and I ask for a roll call vote.

Senator SCHAEFER. Mr. President, I second the motion.

The PRESIDING OFFICER. All those voting "aye" will vote in favor of recommitting the bill to the Committee of Conference. All those voting "no" will be voting to keep the bill on the floor.

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

Senator HAGER. Mr. President, I would ask for a "no" vote on this motion. Let us deal with the issue face up on Senate Bill No. 10 itself.

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

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

YEAS—16

Bell,	Hess,	Lincoln,	Romanelli,
Bodack,	Holl,	Messinger,	Schaefer,
Early,	Kelley,	Orlando,	Stout,
Greenleaf,	Lewis,	Pecora,	Zemprelli,

NAYS—32

Andrews,	Hankins,	Lynch,	Reibman,
Arlene,	Hopper,	Manbeck,	Ross,
Corman,	Howard,	McKinney,	Scanlon,
Dwyer,	Jubelirer,	Mellow,	Smith,
Fumo,	Kury,	Moore,	Snyder,
Gekas,	Kusse,	Murray,	Stapleton,
Gurzenda,	Lloyd,	O'Connell,	Stauffer,
Hager,	Loeper,	Price,	Tilghman,

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

And the question recurring,
Will the Senate agree to the motion to adopt the Report of Committee of Conference?

Senator ROMANELLI. Mr. President, one final word for my colleagues.

In memory of the four people who lost their lives in Pitts-

burgh and the baby who never had a chance to live, I urge a "no" vote on Senate Bill No. 10.

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

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

YEAS—26

Andrews,	Hankins,	Loeper,	O'Connell,
Arlene,	Hopper,	Lynch,	Price,
Corman,	Howard,	Manbeck,	Ross,
Fumo,	Jubelirer,	McKinney,	Smith,
Gekas,	Kury,	Moore,	Snyder,
Gurzenda,	Kusse,	Murray,	Stauffer,
Hager,	Lloyd,		

NAYS—22

Bell,	Holl,	Orlando,	Schaefer,
Bodack,	Kelley,	Pecora,	Stapleton,
Dwyer,	Lewis,	Reibman,	Stout,
Early,	Lincoln,	Romanelli,	Tilghman,
Greenleaf,	Mellow,	Scanlon,	Zemprelli,
Hess,	Messinger,		

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

Not being present at the time of roll call, Senator COPPER-SMITH announced his vote in the negative.

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

CALENDAR

HB 1840 CALLED UP OUT OF ORDER

HB 1840 (Pr. No. 3456) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1840 (Pr. No. 3456) — 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 follow, viz:

YEAS—43

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

NAYS—5

Corman,	Hager,	Howard,	Kusse,
Gekas,			

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

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

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

RECESS

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

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

REPORTS OF COMMITTEE OF CONFERENCE

BILL RECOMMITTED TO COMMITTEE OF CONFERENCE

SB 518 (Pr. No. 1837) — Upon motion of Senator SCANLON, and agreed to, the bill was recommitted to the Committee of Conference.

BILLS OVER IN ORDER

SB 985 and 986 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 506 (Pr. No. 1835) — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 506.

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

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,	McKinney,	Scanlon,
Coppersmith,	Howard,	Mellow,	Schaefer,
Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	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 759 (Pr. No. 1833) — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 759.

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

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,	McKinney,	Scanlon,
Coppersmith,	Howard,	Mellow,	Schaefer,
Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	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 843 (Pr. No. 1761) — Senator SCANLON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 843.

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

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,	McKinney,	Scanlon,
Coppersmith,	Howard,	Mellow,	Schaefer,
Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	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.

PERMISSION TO ADDRESS SENATE

Senator COPPERSMITH asked and obtained unanimous consent to address the Senate.

Senator COPPERSMITH. Mr. President, I was off the floor previously but if I would have been present, I would have voted "no" on Senate Bill No. 10 and "aye" on House Bill No. 1840.

The PRESIDING OFFICER. The gentleman's remarks will be spread upon the record.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 989, 990, 991 and 992 — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILL OVER IN ORDER

SB 988 — Without objection, the bill was passed over in its order at the request of Senator SCANLON.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1060 (Pr. No. 1774) — Considered the third time,

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

Amend Title, page 1, line 1, by striking out "Title 75 (Vehicles)" and inserting: Titles 75 (Vehicles) and 42 (Judiciary and Judicial Procedure)

Amend Title, page 1, line 3, by removing the period after "alcohol" and inserting: , imposing restrictions on certain inspectors; increasing the penalty and responsibility for overweight vehicles; increasing certain penalties for weight violations and further providing for appeals from government agencies.

Amend Sec. 1, page 1, line 7, by inserting after "1547": , sections 4702, 4703, 4704, 4726, 4727, 4945, 4981(a) and 4983

Amend Bill, page 3, by inserting between lines 19 and 20:

§ 4702. Requirement for periodic inspection of vehicles.

(a) General rule.—The department shall establish a system of semiannual inspection of vehicles registered in this Commonwealth.

(b) Annual inspection of certain vehicles.—Recreational trailers, vehicles registered as antique and classic vehicles, firefighting vehicles and motorcycles shall be subject to annual inspection.

(c) Out-of-state vehicles.—The owner or operator of a trailer, semitrailer or combination registered in another state which is operated within the Commonwealth may submit such a vehicle to the inspection of the Commonwealth.

[(c)] (d) Inspection of vehicles reentering this Com-

monwealth.—Owners of Pennsylvania registered vehicles which have been outside of this Commonwealth continuously for 30 days or more and which at the time of reentering this Commonwealth do not bear a currently valid certificate of inspection and approval shall, within five days of reentering this Commonwealth, proceed to an official inspection station for an inspection of the vehicle.

[(d)] (e) Extension of inspection period.—The department may, by regulation, extend the time for any of the inspections required by this chapter for not more than 30 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

§ 4703. Operation of vehicle without official certificate of inspection.

(a) General rule.—No registered motor vehicle shall be driven and no registered trailer shall be moved on a highway unless the vehicle displays a currently valid certificate of inspection and approval.

(b) Out-of-state vehicles.—No truck, trailer, semi-trailer or combination in excess of 17,000 pounds shall be driven or moved on a highway which is registered in another jurisdiction unless the vehicle displays a currently valid certificate of inspection issued under this chapter or by the other jurisdiction.

[(b)] (c) Exceptions.—Subsection (a) does not apply to:

- (1) Special mobile equipment.
- (2) Implements of husbandry.
- (3) Motor vehicles being towed.
- (4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

[(c)] (d) Display of unauthorized certificate of inspection.—No certificate of inspection and approval shall be displayed unless an official inspection has been made and the vehicle is in conformance with the provisions of this chapter.

[(d)] (e) Authority of police.—Any police officer may stop any motor vehicle or trailer and require the owner or operator to display an official certificate of inspection and approval for the vehicle being operated. A police officer may summarily remove an unlawfully issued certificate of inspection from any vehicle.

§ 4704. Notice by police officers of violation.

(a) General rule.—Inspection in conjunction with vehicle weighing.—Any police officer or department employee engaged in weighing vehicles as provided in Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weight) is authorized to inspect any items of a vehicle's equipment to determine whether they meet the standards established in department regulations.

(b) Inspection by police officer.—Any police officer having probable cause to believe that any vehicle, regardless of whether it is being operated, is unsafe or not equipped as required by law may at any time submit a written notice of the condition to the driver of the vehicle or to the owner, or if neither is present, to an adult occupant of the vehicle, or if the vehicle is unoccupied, the notice shall be attached to the vehicle in a conspicuous place.

(1) If an item of equipment is broken or missing, the notice shall specify the particulars of the condition and require that the equipment be adjusted or repaired. Within five days evidence must be submitted

to the police that the requirements for repair have been satisfied.

(2) If the police officer has probable cause to believe that a vehicle is unsafe or not in proper repair, he may require in the written notice that the car be inspected. The owner or driver shall submit to the police within five days of the date of notification certification from an official inspection station that the vehicle has been restored to safe operating condition in relation to the particulars specified on the notice.

(3) After the expiration of the five-day period specified in paragraphs (1) and (2), the vehicle shall not be operated upon the highways of this Commonwealth until the owner or driver has submitted to the police evidence of compliance with the requirements of paragraph (1) or (2), whichever is applicable.

[(b)] (c) Operation prohibited if hazardous.—In the event a vehicle, in the reasonable judgment of the officer, is in such condition that further operation would be hazardous, the officer may require that the vehicle not be operated under its own power and may so stipulate in the notice given under subsection (a).

§ 4726. Certification of mechanics.

(a) General rule.—No mechanic shall conduct motor vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department according to department regulations. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections at an official inspection station in this Commonwealth. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is there employed.

(b) Department supervision.—The department shall supervise inspection mechanics and shall suspend the certification of a mechanic who it finds has violated or failed to comply with the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all mechanics who are certified and of those whose certification has been suspended.

(c) Judicial review.—Any mechanic whose certificate has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to certification or is subject to suspension of the certification under the provisions of this chapter.

§ 4727. Issuance of certificate of inspection.

(a) Requirements prior to inspection.—No vehicle except a vehicle owned by a dealer or manufacturer shall be inspected unless it is [duly registered] titled. The owner or operator or an employee of the official inspection station shall examine the registration card or title in order to ascertain that the vehicle is [registered] titled.

(b) Requirements for issuance of certificate.—An official certificate of inspection shall not be issued un-

less the vehicle is inspected and found to be in compliance with the provisions of this chapter including any regulations promulgated by the department. Notation of the odometer reading shall be included on the certificate of inspection.

§ 4945. Penalties for exceeding maximum weights.

(a) Gross weight violations.—Any person [operating a vehicle or combination] who:

(1) operates or causes or permits the operation of a vehicle or combination;

(2) owns a vehicle or combination; or

(3) is the sole shipper of the cargo being carried on a vehicle or combination;

which is being operated upon a highway exceeding the maximum gross weight allowed by section 4941 (relating to maximum gross weight of vehicles) or the registered gross weight allowed by section 4942 (relating to registered gross weight), whichever is less, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$75] \$150 plus \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum or gross weight or the registered gross weight allowed. If the gross weight of any vehicle or combination exceeds 73,280 pounds, the fine shall be double the amount for other weight violations.

(b) Axle weight violation.—Subject to the provisions of section 4982(c) (relating to reducing or readjusting loads of vehicles), any person operating a vehicle or combination with a weight on an axle or pair of axles exceeding the maximum axle weights allowed by section 4943 (relating to maximum axle weight of vehicles) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$100] \$150 plus \$100 for each 500 pounds, or part thereof, in excess of 2,000 pounds over the maximum axle weight allowed.

(c) Wheel weight violation.—Any person operating a vehicle or combination upon a highway exceeding the maximum wheel weight allowed by section 4944 (relating to maximum wheel load) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$100] \$150 plus \$100 for each 200 pounds, or part thereof, in excess of 200 pounds over the maximum wheel weight allowed.

(d) Concurrent violations.—In any case in which there are concurrent violations of more than one of the sections or subsections of this subchapter prescribing maximum weights, the only penalty imposed shall be for violation of that section or subsection which produces the greatest fine.

§ 4981. Weighing and measurement of vehicles.

(a) Authority of police officer.—Any police officer is authorized to require the driver of any vehicle or combination to stop and submit the vehicle or combination to be measured and weighed. Weighing may be done by using either portable or stationary scales. The measurement and weighing shall be conducted by qualified personnel who have been trained in the use of weighing and measuring equipment in a training program approved by the Department of Agriculture. A police officer may require that a vehicle or combination be driven to the nearest stationary scales if the scales are within [two miles] a radius of five miles.

* * *

§ 4983. Penalty for violation of subchapter.

[Any driver who fails or refuses to comply with the requirements of a police officer given pursuant to this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.]

If a driver shall fail or refuse to comply with the re-

quirements of a police officer given pursuant to this subchapter, the police officer shall have authority to take the vehicle into temporary custody and have the vehicle weighed. In addition to any fine or penalty assessable for being overweight, any driver who fails or refuses to comply as aforesaid shall be guilty of a summary offense and shall upon conviction be sentenced to pay a fine of \$300.

Section 2. Section 933(a) of Title 42 is amended to read:

§ 933. Appeals from government agencies.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have jurisdiction of appeals from final orders of government agencies in the following cases:

(1) Appeals from Commonwealth agencies in the following cases:

(i) Determinations of the Department of Health in connection with any matters concerning birth records. Except as prescribed by general rules, the venue of such matters shall be as provided in 20 Pa.C.S. § 711(9) (relating to birth records) and 20 Pa.C.S. § 713 (relating to special provisions for Philadelphia County).

(ii) Determinations of the Department of Transportation appealable under the following provisions of Title 75 (relating to vehicles):

Section 1377 (relating to judicial review of denial or suspension of registration).

Section 1550 (relating to judicial review).

Section 4724(b) (relating to judicial review).

Section 4726(c) (relating to judicial review).

Section 7303(b) (relating to judicial review).

Section 7503(b) (relating to judicial review).

Except as otherwise prescribed by general rules, the venue shall be in the county of the principal place of business of any salvor or messenger service, the location of any inspection station involved or the residence of any inspection mechanic or of any individual appellant where the venue is not otherwise fixed by this sentence. In the case of a nonresident individual venue, except as otherwise prescribed by general rules, shall be in the county in which the offense giving rise to the recall, cancellation, suspension or revocation of operating privileges occurred.

(iii) Determinations of the Secretary of the Commonwealth appealable under the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," except matters involving Statewide office. Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in the act.

(iv) Determinations of the Workmen's Compensation Appeal Board appealable under the act of June 21, 1939 (P. L. 566, No. 284), known as "The Pennsylvania Occupational Disease Act." Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in section 427 of the act.

(v) Determinations of the Pennsylvania Liquor Control Board appealable under section 515 of the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code." Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in section 515 of the act.

(vi) Determinations of the Department of Revenue reviewable under the act of June 15, 1961 (P. L. 373, No. 207), known as the "Inheritance and Estate Tax Act of 1961," or under any predecessor statute, in connection with the administration of the estate of a decedent. Except as otherwise prescribed by general

rules, the venue of such matters shall be in the court having jurisdiction over the administration of the related estate.

(vii) Except where an employee of the Commonwealth is involved, determinations of the Pennsylvania Labor Relations Board under the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employe Relations Act." Except as otherwise prescribed by general rules, venue shall be in any county where the unfair labor practice in question was alleged to have been engaged in, or wherein the appellant or employer in a representation case resides or transacts business.

(viii) Determinations of an arbitration panel established under the act of October 15, 1975 (P. L. 390, No. 111), known as the "Health Care Services Malpractice Act." Except as otherwise prescribed by general rules, venue shall be in the county where the cause of action arose.

(2) Appeals from government agencies, except Commonwealth agencies, under Subchapter B of Chapter 7 of Title 2 (relating to judicial review of local agency action) or otherwise.

(3) Appeals jurisdiction of which is vested in the courts of common pleas by any statute hereafter enacted.

* * *

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

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, basically what these amendments do are exactly what Senate Bill No. 10 did. They include all the safety features of Senate Bill No. 10.

Mr. President, I am offering these amendments and ask for their adoption.

Senator STAUFFER. Mr. President, I rise to oppose the amendments offered by the gentleman from Allegheny, Senator Romanelli.

We have already dealt with Senate Bill No. 10 today, we have dealt with the issue involved in the gentleman's amendments and I believe that it is a redundancy to have a further consideration of an issue which was debated at length and given careful consideration by the Senate. The Senate has spoken on the issue and I believe that we should, therefore, defeat these amendments and let our consideration of Senate Bill No. 10 stand as it took place earlier in the day.

Senator ROMANELLI. Mr. President, I do not feel that it is redundant. First of all we have no guarantee that Senate Bill No. 10 will pass the House of Representatives.

Number two, there are differences, there are no weight and size increases in these amendments. These are just the safety features that were in Senate Bill No. 10.

Mr. President, I think we should adopt these amendments, give the House a second vehicle to also consider if Senate Bill No. 10 goes down the tube.

Mr. President, I ask for a roll call vote.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—13

Bell,	Lewis,	Pecora,	Schaefer,
Bodack,	Messinger,	Romanelli,	Stout,
Coppersmith,	Orlando,	Scanlon,	Zemprelli,
Kelley,			

NAYS—34

Andrews,	Hankins,	Lloyd,	O'Connell,
Arlene,	Hess,	Loeper,	Price,
Corman,	Holl,	Lynch,	Reibman,
Dwyer,	Hopper,	Manbeck,	Ross,
Fumo,	Howard,	McKinney,	Smith,
Gekas,	Jubelirer,	Mellow,	Snyder,
Greenleaf,	Kury,	Moore,	Stapleton,
Guزندا,	Kusse,	Murray,	Stauffer,
Hager,	Lincoln,		

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by removing the period after "alcohol" and inserting: and changing certain fees; providing for identification markers; adding certain enforcement powers; providing for stationary scales and the weights of vehicles; changing certain penalties; providing for the distribution of certain funds; and making repeals.

Amend Bill, page 1, by inserting between lines 5 and 6:

Section 1. Section 102 of Title 75, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a definition to read: § 102. Definitions.

* * *

"Motor carrier vehicle." A truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

* * *

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 7 and 8, by striking out "act of act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes."

Amend Sec. 2, page 3, line 20, by striking out all of said line and inserting:

Section 3. Sections 1916, 1920, 1928, 1952(a), 1055(a) and 1958 of Title 75, section 1916 amended February 15, 1980 (No. 8), are amended to read:

§ 1916. Trucks and truck tractors.

(a) General rule.—The annual fee for registration of a truck or truck tractor shall be determined by its registered gross weight or combination weight in pounds according to the following table:

Class	Registered Gross of Combination Weight	Fee
1	5,000 or less	\$39
2	5,001 - 7,000	[52] 78
3	7,001 - 9,000	[84] 126
4	9,001 - 11,000	[108] 162
5	11,001 - 14,000	[132] 186

6	14,001 - 17,000	[156] 222
7	17,001 - 21,000	[192] 258
8	21,001 - 26,000	[216] 294
9	26,001 - 30,000	[252] 342
10	30,001 - 33,000	[300] 402
11	33,001 - 36,000	[324] 438
12	36,001 - 40,000	[342] 462
13	40,001 - 44,000	[360] 486
14	44,001 - 48,000	[384] 522
15	48,001 - 52,000	[420] 582
16	52,001 - 56,000	[444] 618
17	56,001 - 60,000	[501] 690
18	60,001 - 64,000	[552] 762
19	64,001 - 68,000	[576] 798
20	68,001 - 73,280	[606] 858

(b) Optional registration.—Any vehicle falling within the range of weights for Classes 1 through 4, inclusive, shall notwithstanding any gross vehicle weight stamped on the manufacturer's serial plate, be registered, upon request of the person making application for registration, at the maximum allowable gross or combination weight for the particular weight class within which the gross vehicle weight determined by the manufacturer causes such vehicle to fall.

§ 1920. Trailers.

(a) General rule.—The annual fee for registration of a trailer shall be determined by its registered gross weight according to the following table:

Registered Gross Weight in Pounds	Fee
3,000 or less	\$ 6
3,001 - 10,000	12
10,001 or more	27

(b) Optional five-year registration.—A trailer may be registered for a period of five years upon payment by the registrant of the applicable fee for such period.

§ 1928. Temporary registration plates.

The fee payable by a dealer or other dispensing agent for a temporary registration plate shall be [\$1] \$5. The charge of the agent for providing an applicant with a temporary plate shall not exceed a total of [\$5] \$10.

§ 1952. Certificate of title.

(a) General rule.—The fee for issuance of a certificate of title shall be [\$5] \$15.

* * *

§ 1955. Information concerning drivers and vehicles.

(a) Registrations, titles and security interests.—The fee for copies of or written information relating to a registration, title or security interest shall be [\$2.50] \$5.

* * *

§ 1958. Certificate of inspection.

The department shall charge [25¢] \$1 for each certificate of inspection.

Section 4. Title 75 is amended by adding a section to read:

§ 1960. Reinstatement of operating privilege.

The department shall charge a fee of \$25 to restore a person's operating privilege following a suspension or revocation.

Section 5. Title 75 is amended by adding chapters to read:

CHAPTER 21
MOTOR CARRIERS ROAD TAX
IDENTIFICATION MARKERS

Sec.

2101. Construction.

2102. Identification markers required.

2103. False statements and penalties.

2104. Special investigators; powers.

§ 2101. Construction.

This chapter shall be construed in conjunction with the act of June 19, 1964 (P. L. 7, No. 1), known as the "Motor Carriers Road Tax Act" and any reference to the former section 11 thereof shall be deemed a reference to this chapter.

§ 2102. Identification markers required.

(a) General rule.—The Secretary of Revenue shall provide an identification marker for every motor carrier vehicle.

(1) The identification marker must be affixed to the vehicle in an easily visible position.

(2) The identification marker shall remain the property of the Commonwealth and may be recalled for any violation of the provisions of this chapter, the "Motor Carriers Road Tax Act" or the regulations promulgated thereunder.

(b) Fee.—The fee for issuance of an identification marker shall be \$25, except that for vehicles registered in this Commonwealth, the vehicle identification marker fee shall be deemed a part of and included in the vehicle registration fee.

(c) Issuance of markers.—Identification markers shall be issued on a 12-month basis, effective April 1 of each year, and shall be valid through the next succeeding March 31; however, enforcement of this section shall not become effective until April 15 of each year as to motor carrier vehicles displaying the previous year's identification marker.

(d) Operation without identification marker unlawful.—It shall be unlawful to operate or to cause to be operated in this Commonwealth any motor carrier vehicle unless the vehicle bears the identification marker required by this section.

(1) The Secretary of Revenue may be regulation exempt from the requirement to display the identification marker motor carrier vehicles which in his opinion are clearly identifiable such that effective enforcement of this chapter will not suffer thereby.

(2) For a period not exceeding five days as to any one motor carrier, the Secretary of Revenue by letter or telegram may authorize the operation of a motor carrier vehicle or vehicles without the identification marker required when the enforcement of this section for that period would cause undue delay and hardship in the operation of such motor carrier vehicle or vehicles:

(i) The fee for such permits shall be \$5 for each motor carrier vehicle.

(ii) Conditions for the issuance of such permits shall be set forth in regulations promulgated by the Department of Revenue.

§2103. False statements and penalties.

(a) False statements.—Any person who willfully and knowingly makes, publishes, delivers or utters a false statement orally, or in writing, or in the form of a receipt for the sale or motor fuel, for the purpose of obtaining or attempting to obtain, or to assist any person to obtain or attempt to obtain, a credit or refund or reduction of liability for taxes under this chapter or under the “Motor Carriers Road Tax Act,” shall be guilty of a summary offense and, upon conviction thereof, for a first offense shall be sentenced to pay a fine of not less than \$100 nor more than \$500; and for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or undergo imprisonment for a term not exceeding 90 days, or both.

(b) Other penalties.—Any person willfully violating any provision of this chapter or any provision of the “Motor Carriers Road Tax Act” not covered by any other penalty contained in this chapter, shall be guilty of a summary offense and, upon conviction thereof, for a first offense, shall be sentenced to pay a fine of not less than \$100 nor more than \$500; and, for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or undergo imprisonment for a term not exceeding 90 days, or both. If the person convicted is a corporation, any imprisonment imposed shall be served by the responsible corporate employee.

§ 2104. Special investigators; powers.

Such employees of the Department of Revenue as are designated as special investigators, and who carry identification indicating such capacity, are hereby declared to be peace officers of the Commonwealth, are hereby given police power and authority throughout the Commonwealth to arrest on view without warrant any driver of a motor carrier vehicle engaged in any operations in violation of any provision of this chapter or of the “Motor Carriers Road Tax Act” and shall have the power and authority upon probable cause that any such violation may have occurred to search and seize without warrant or process any motor vehicle so operated.

CHAPTER 91

STATE HIGHWAY MAINTENANCE

Sec.

9101. Definitions.

9102. Distribution of State highway maintenance funds.

9103. Transfers for emergency or equipment needs.

9104. Standards and methodology for data collection.

9105. Nonlapse of allocated funds for advertised projects.

§ 9101. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“ASHMA.” One hundred percent of all additional State highway maintenance appropriations and executive authorizations in excess of 95% of the total of all counties’ base allocations.

“Base allocation.” The total highway maintenance appropriations and executive authorizations received by a county maintenance district for either fiscal year 1978-1979 or, based on the best current information available to the department and certified by the Governor as of May 21, 1980, fiscal year 1979-1980, whichever is greater.

“BD.” The number of square feet of State highway bridge deck in each county as a proportion of the total amount of square feet of State highway bridge deck in this Commonwealth.

“c. When used alone or in conjunction with any formula part, any given county.

“Highway maintenance.” A program to preserve, repair and restore a system of existing State roadways with its elements to its designed or accepted configuration. System elements include but are not limited to travelway surfaces, shoulders, roadsides, drainage facilities, bridges, tunnels, signs, markings, lighting and fixtures. Included in the program are such traffic services as lighting and signal operation, snow and ice removal and operation of roadside rest areas. Highway maintenance programs are developed to offset the effects of weather, organic growth, deterioration, traffic wear, damage and vandalism. Deterioration would include effects of aging, material failures and design and construction faults to existing State highways.

“LM.” The number of actual State highway lane miles in each county as a proportion of the total number of State highway lane miles in this Commonwealth.

“RPQ.” The Relative Pavement Quality Index which shall be based upon a Road Quality Report which entails the use of trained professionals to physically evaluate the conditions of the highways in each county on a periodic basis. The criteria for determining any road deficiencies shall include but not be limited to road surface, foundation, drainage, shoulders and other safety features such as road striping, guardrails, median barriers and signs. The index shall provide a reasonable comparison of highway quality and conditions between all counties. The report shall

be submitted annually to the Transportation Committees of the Senate and House of Representatives for their review.

"SI." The snow index for each county is the product of an average of the immediately preceding four calendar years snow days for each county times the number of State highway lane miles in each county as a proportion of the sum of the products (snow days times lane miles) for every county in this Commonwealth.

"Snow day." Any day in which the snow fall reached or exceeded one inch in depth.

"Vehicle miles." The total number of miles traveled by all vehicles on State maintained roads within a county as determined by the department.

"VM." The number of vehicle miles traveled in each county as a proportion of the total vehicle miles traveled in this Commonwealth.

§ 9102. Distribution of State highway maintenance funds.

(a) General rule.—The department shall distribute all highway appropriations and executive authorizations for State highway maintenance in the various county maintenance districts in the following manner:

(1) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are equal to the combined total base allocations for all the county maintenance districts, each maintenance district shall receive its base allocation.

(2) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are less than the combined total base allocations of all the county maintenance districts, each maintenance district's share shall be reduced, to the extent necessary to bring the total allocation within the funding limits, in the same proportion that each county's base allocations bears to the combined total of all counties' base allocations.

(3) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are greater than the combined total base allocations of all the county maintenance districts, the funds shall be distributed based upon the formula in subsection (b), but notwithstanding the formula calculation for any particular county, no county shall receive less than its base allocation in any year.

(b) Formula for distribution.—The department shall distribute to each county maintenance district:

(1) an amount equal to 95% of the county's base allocation; plus

(2) an amount based on the following incremented formula in which each county shall receive a portion of 100% of all State highway maintenance appropriations and executive authorizations in excess of 95% of the total of all counties' base allocations, expressed in

the following manner: $ASHMA (40\% RPQc + 15\% BDC + 15\% LMc + 15\% VMc + 15\% SIc)$

(c) Establishment of applicable data.—The applicable data for all counties corresponding to each individual factor in the incremental formula in subsection (b) shall be established and certified by the Governor based on the best current information available as of May 21, 1980, and such data shall be updated and recertified on May 1 of each year thereafter based on the best information available at that time for the immediately preceding 12-month period.

(d) Effect of insufficient funds.—In the event sufficient funds are not available to fully fund all county maintenance districts under formula in subsection (b) due to the hold harmless provision in subsection (a), each county maintenance district receiving an increase above its base allocation shall have its share reduced in the proportion that the increase over its base allocation bears to the total increases over the base allocation of all counties entitled to an increase, to the extent necessary to bring the total allocations within the funding limit.

§ 9103. Transfers for emergency or equipment needs.

(a) General rule.—If the need arises for transfers to counties because of emergency or equipment needs, the department shall draw from the allocations of all counties in a manner such that the proportion of the transfer for any given county equals the proportion of the total allocation for that county to the total highway maintenance appropriations and executive authorizations.

(b) Effect on subsequent allocation.—Expenditures from transfers made to or from any county for emergency or equipment needs shall not become a part of the computation for such county for the subsequent years' maintenance allocation.

§ 9104. Standards and methodology for data collection.

The department shall initially determine the standards and methodology for data collection and shall, within ten days of the effective date of this chapter, promulgate them in the form of regulations and publish them in the Pennsylvania Bulletin as a basis for making such determinations in subsequent years.

§ 9105. Nonlapse of allocated funds for advertised projects.

Where bids have been advertised for projects that would use funds allocated to any county maintenance district for a particular fiscal year but because of the bidding process the contract or contracts were not awarded before the close of that fiscal year, the county's allocation for that fiscal year shall not lapse but may be allocated to the particular contract that was not awarded because of the incompleteness of the

bidding process. Any additional allocation remaining after all such contracts are let shall lapse as of the date of the awarding of the last of the contracts.

CHAPTER 93

SUPPLEMENTAL FUNDING FOR MUNICIPAL HIGHWAY MAINTENANCE

Sec.

9301. Supplemental funding for municipal highway maintenance.

§9301. Supplemental funding for municipal highway maintenance.

The General Assembly shall annually appropriate, beginning with the 1980-1981 fiscal year, the sum of \$5,000,000 for supplemental payments to municipalities to assist in the maintenance and construction costs of municipal roads. The moneys appropriated by authority of this section shall be distributed to municipalities in accordance with the provisions of the act of June 1, 1956 (1955 P. L. 1444, No. 655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; conferring powers and imposing duties on local officers and the Department of Highways; and making an appropriation out of the Motor License Fund; and repealing existing legislation."

Section 6. Sections 11, 13, 15, 21 and 25, act of June 19, 1964 (P. L. 7, No. 1), known as the "Motor Carriers Road Tax Act," are repealed.

Section 7. This act shall take effect as follows:

(1) The provisions of 75 Pa.C.S. § 1547 (relating to chemical test to determine amount of alcohol) and Ch. 91 (relating to State highway maintenance) shall take effect immediately.

(2) The provisions of 75 Pa.C.S. Ch. 93 (relating to supplemental funding for municipal highway maintenance) shall take effect July 1, 1980.

(3) The remaining provisions of this act shall take effect in 60 days. However, the provisions of 75 Pa.C.S. § 2102 (relating to identification markers required) insofar as it provides an increase in the annual fee for identification markers shall be applicable only to those markers acquired after the effective date of this act and shall not affect any valid current identification markers for the remainder of the period for which they were issued.

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, the amendments raise the same amount of money that was raised in Senate Bill No. 10. It is a different structure. There will be a \$12 million cost for the trucking industry rather than the original \$6 million. It is just a change in the distribution of the amount of money being raised, but it will net out at \$85 million.

I ask for the adoption of the amendments, Mr. President.

And the question recurring,

Will the Senate agree to the amendments?

(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 PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—5

Bodack, Pecora,	Romanelli,	Schaefer,	Stout,
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NAYS—44

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

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrews, Arlene, Bell, Bodack, Coppersmith, Corman, Dwyer, Early, Fumo, Gekas, Greenleaf, Gurzenda,	Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lincoln,	Lloyd, Loeper, Lynch, Manbeck, McKinney, Mellow, Messinger, Moore, Murray, O'Connell, Orlando, Pecora,	Price, Reibman, Romanelli, Ross, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli,
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NAYS—1

Scanlon,

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 1253 (Pr. No. 1558) — 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,	McKinney,	Scanlon,
Coppersmith,	Howard,	Mellow,	Schaefer,
Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	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 1375 (Pr. No. 1821) — 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,	McKinney,	Scanlon,
Coppersmith,	Howard,	Mellow,	Schaefer,
Corman,	Jubelirer,	Messinger,	Smith,
Dwyer,	Kelley,	Moore,	Snyder,
Early,	Kury,	Murray,	Stapleton,
Fumo,	Kusse,	O'Connell,	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 1376 (Pr. No. 1744) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Early,

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 1527 (Pr. No. 3066) — Considered the third time,

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

Amend Title, page 1, line 18, by inserting after "beverages": ; further defining the term "incorporated unit of a national veterans' organization."

Amend Bill, page 3, by inserting between lines 9 and 10:

Section 2. Subsection (f) of section 461 of the act added June 1, 1978 (P. L. 451, No. 56), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.— * * *

(f) The term "national veterans' organization" shall mean any veterans' organization having a national charter.

The term "incorporated unit of a national veterans' organization" shall mean any incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization having one hundred or more paid up members as of, and organized prior to, January 1, [1975] 1978.

Amend Sec. 2, page 3, line 10, by striking out "2." and inserting: 3.

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

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

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

Amend Title, page 1, line 16, by inserting after "laws," : permitting certain hotel or restaurant liquor licensees to sell liquor and malt or brewed beverages on election days,

Amend Bill, page 1, by inserting between lines 21 and 22:

Section 1. Subsection (a) of section 406, act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," amended June 16, 1975 (P. L. 14, No. 5), is amended to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day until two o'clock antemeridian of the following day, except Sunday, and except as herein-after provided, may sell liquor and malt or brewed beverages on Sunday between the hours of twelve o'clock midnight and two o'clock antemeridian.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees whose sales of food and non-alcoholic beverages are equal to forty per centum or more of the combined gross sales of both food and alcoholic beverages may sell liquor and malt or brewed beverages on Sunday between the hours of one o'clock postmeridian and two o'clock antemeridian Monday upon purchase of a special annual permit from the board at a fee of two hundred dollars (\$200.00) per year, which shall be in addition to any other license fees. Every hotel and restaurant liquor licensee and every airport restaurant liquor licensee and municipal golf course restaurant liquor licensee who holds a special Sunday sales permit may make sales during regular hours on every general, municipal, primary or special election day.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees which do not qualify for and purchase such annual special permit, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day and until two o'clock antemeridian of the following day, and shall not sell after two o'clock antemeridian on Sunday. [No] Except for hotel, restaurant, airport restaurant and municipal golf course

restaurant licensees who hold a special Sunday sales permit and who may make sales on any election day, no other hotel, restaurant and public service liquor licensee shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls, except, that, in the case of a special election for members of the General Assembly or members of the Congress of the United States, when such special election is held on other than a primary, municipal or general election day, licensees in those Legislative or Congressional Districts may make such sales, as though the day were not a special election day. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day. No public service liquor licensee or its servants, agents, or employes may sell liquor or malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

Any hotel, restaurant, club or public service liquor licensee may, by given notice to the board, advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business of such licensee is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

Notwithstanding any provisions to the contrary, whenever the thirty-first day of December falls on a Sunday, every hotel or restaurant liquor licensee, their servants, agents or employes may sell liquor and malt or brewed beverages on any such day after one o'clock postmeridian and until two o'clock antemeridian of the following day.

* * *

Amend Sec. 1, page 1, line 22, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, lines 22 and 23, by striking out ", act" in line 22, all of line 23 and inserting: of the act

Amend Sec. 2, page 3, line 10, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, these amendments were circulated to the caucuses last week and I withdrew the amendments at that time because of a request from one of my colleagues to look into the matter a little more deeply. That request has now been honored.

Mr. President, very simply, these amendments propose to permit for every hotel and restaurant liquor licensee that has a Sunday sales qualification the opportunity to sell alcoholic beverages on Election Day. It would remove that prohibition which now exists and extend merely to airports, to the municipal golf courses, to the licensees currently qualified because of meeting the forty per cent food requirement to hold a Sunday sales permit, would also be allowed to have alcoholic beverages sold on Election Day.

Mr. President, I request a roll call.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—39

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

NAYS—10

Corman,	Hopper,	Manbeck,	Pecora,
Early,	Jubelirer,	Moore,	Snyder,
Hess,	Kusse,		

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

The PRESIDING OFFICER. House Bill No. 1527 will go over, as amended.

BILL OVER IN ORDER TEMPORARILY

HB 1528 — Without objection, the bill was passed over in its order temporarily at the request of Senator SCANLON.

RECESS

Senator SCANLON. Mr. President, I will explain to the Members that the gentleman from Cambria, Senator Coppersmith, is going to offer amendments as soon as we return to House Bill No. 1528.

At this point, Mr. President, we are at the end of the Third Consideration Calendar with the exception of the bill that we just went over temporarily. I would request a short recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules Committee room.

The PRESIDING OFFICER. Hearing no objection, the Chair will declare a recess for the purpose of a brief meeting of the Committee on Rules and Executive Nominations in the Rules Committee room at the rear of the Senate Chamber.

Senator ZEMPRELLI. Mr. President, immediately upon the conclusion of the meeting of the Committee on Rules and Executive Nominations which should not take more than a minute, the gentleman from Philadelphia, Senator McKinney, has requested a meeting of the Committee on State Government to convene in the same room for the consideration of a bill that was overlooked on today's Calendar.

Mr. President, I would ask the Chair to continue the recess of the Senate for consecutive meetings of the Committee on Rules and Executive Nominations and the Committee on State Government. As I suggest, Mr. President, the meeting of the Committee on Rules and Executive Nominations will not last more than a minute.

The PRESIDING OFFICER. Without objection, the Chair

will continue the recess until both committees have met.

Senator LINCOLN. Mr. President, I would ask that the vote by which Senate Bill No. 1253, Printer's No. 1558, just passed finally be reconsidered.

The PRESIDING OFFICER. Will Senator Lincoln yield until we return from the recess and then I will recognize you.

Senator LINCOLN. Mr. President, would it be appropriate at that time. I was told to do it after the end of the Third Consideration Calendar.

The PRESIDING OFFICER. Yes, Senator, because we have not finished the Third Consideration Calendar.

The Senate stands in recess.

AFTER RECESS

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

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

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

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

May 29, 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 February 19, 1980, for the appointment of Gary H. Derr (Republican), 215 West Main Street, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice Michael L. Peters, Renova, whose term expired.

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

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, COURT OF COMMON PLEAS,
DAUPHIN COUNTY

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 Clarence C. Morrison, Esquire, 4308 Beaufort Hunt Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Twelfth Judicial District of Pennsylvania, composed of the County of Dauphin, to serve until the first Monday of January, 1982, vice The Honorable Richard B. Wickersham, who became Superior Court Judge, January 7, 1980.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OSTEOPATHIC EXAMINERS

February 29, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Wills Beach, Esquire (public member, P. O. Box 550, R. D. #8, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Osteopathic Examiners, pursuant to Act 292, approved November 26, 1978, to serve for a term of four years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF OSTEOPATHIC
MEDICAL 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 Daniel J. West, Jr. (Public Member), Elmer Avenue, R. D. 4, Box 4425, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Osteopathic Medical Examiners, pursuant to Act 292, approved November 26, 1978, to serve for a term of four years and until his successor is appointed and qualified, but no longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
PODIATRY EXAMINERS

March 19, 1980.

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

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

DICK THORNBURGH.

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

May 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 David Morgan (Republican), 1513 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1980, and until his successor is duly appointed and qualified, vice Joseph Meixell, Scranton, deceased.

DICK THORNBURGH.

DISTRICT JUSTICE

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 Frank Shurr, Box 837, 1200 Centre Avenue, Reading 19603, Berks County, Eleventh Senatorial District, for appointment as District Justice in and for the County of Berks, Class 1, District 5, to serve until the first Monday of January, 1982, vice George Graeff, Reading, retired.

DICK THORNBURGH.

DISTRICT JUSTICE

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 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.

MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS

February 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 L. Damewood (Barber), 449 Stafford Avenue, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve until the third Tuesday of January, 1983, and until his successor shall be appointed and qualified, vice Leroy D. Cameroni, Erie, whose term expired.

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FUMO,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATION TAKEN FROM THE TABLE

Senator FUMO. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Clarence C. Morrison, Esquire, as Judge of the Court of Common Pleas, Dauphin County.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION LAID ON THE TABLE

Senator FUMO. Mr. President, I request that the nomination of Robert L. Damewood, as a member of the State Board of Barber Examiners, be laid on the table.

The PRESIDING OFFICER. The nomination will be laid on the table.

NOMINATIONS TAKEN FROM THE TABLE

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

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

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

YEAS—49

Table listing names of Senators in support: Andrews, Arlene, Bell, Bodack, Hankins, Hess, Holl, Hopper, Loeper, Lynch, Manbeck, McKinney, Reibman, Romanelli, Ross, Scanlon.

Table listing names of Senators in support: Coppersmith, Corman, Dwyer, Early, Fumo, Gekas, Greenleaf, Gurzenda, Hager, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lincoln, Lloyd, Mellow, Messinger, Moore, Murray, O'Connell, Orlando, Pecora, Price, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli.

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

RECONSIDERATION OF SB 1253

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1253 (Pr. No. 1558) — Senator SCANLON. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1253, Printer's No. 1558, just passed finally.

Senator KELLEY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring, Shall the bill pass finally?

Senator SCANLON. Mr. President, I request that Senate Bill No. 1253 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDING OFFICER. There being no objection, the bill will be placed on the Final Passage Calendar.

HB 1528 CALLED UP

HB 1528 (Pr. No. 2828) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar by Senator SCANLON.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1528 (Pr. No. 2828) — 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 amendment:

Amend Sec. 2 (Sec. 492), page 5, lines 17 through 27, by striking out all of lines 17 through 26 and "forth in the notice." in line 27

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

Senator COPPERSMITH. Mr. President, this amendment is on page 5. It would eliminate lines 17 through 27. The provisions in House Bill No. 1528 that would be eliminated now provide "If the notice states as one of the reasons for the intended modification, cancellation, termination, rescission or renewal that the importing distributor or distributor's equipment or warehouse requires major changes or additions, then if the distributor or importing distributor shall have . . ." and the House eliminated the words "in good faith," ". . . taken some positive action to comply with the required changes or additions, the distributor or importing distributor shall have deemed to have complied with the deficiency as set forth in the notice." There is some bad grammar here. It should have read, "shall have been deemed." But essentially what this section states is that if the distributor has received the notice to make a major change, then if he takes some positive action, he shall be deemed to have complied with the deficiency. This really is creating a fiction upon a fiction. If the distributor received the notice that he needed new refrigeration equipment, if perhaps he would do a little rewiring, that would be a positive action. There is no requirement of good faith. The House amended the good faith requirement out and I fail to see why the Legislature is intervening in the affairs of private property, of private business people, to the extent of saying that compliance with a legitimate business requirement is achieved when some positive action is taken.

There is no time limit for the positive action, there is no statement as to when it will be finished. All that it said is that there has to be some positive action.

For that reason, Mr. President, I think it is quite clear that this provision in the bill that does not even have a good faith requirement of completing the improvements in it is not a proper one.

I ask for the adoption of the amendment, Mr. President.

Senator KELLEY. Mr. President, I respectfully ask my colleagues to vote in the negative on the proposed amendment by striking out on page 5, line 17 through and including to the end of the period on line 27. The reason set forth by the law through the amendment, I believe first and foremost ought to be set forth that the Commonwealth does have a legitimate basis and purpose for legislating in this field.

Mr. President, the author of the amendment proposes first who is asking the question why the Commonwealth should even be legislating in this area and I would like to say the legitimate purpose is we are dealing here with a commonly consumed substance in the alcoholic beverage. We have found many, many abuses in this industry and because of the abuses, it is now necessary for us to legislate.

The particular lines to which the gentleman offers the amendment to strike out on page 5, line 17 through and including the period on line 27 are truly the very important substances of the bill itself. It is the equalizer between the individual distributor, the importing distributor and the malt beverage manufacturer. I say the good faith test is always something that is inherent in our jurisprudence. The fact the House took it out has no basic meaning whatsoever in the

legislation than in the judicial test of any of these contracts which we pursued.

I urge all my colleagues to vote in the negative on this amendment.

Senator GEKAS. Mr. President, I concur with the gentleman from Westmoreland, Senator Kelley, that the intended amendment should not be considered by our colleagues as being a mere technical amendment. It goes to the guts of the entire issue. I, too, Mr. President, plan to vote "no" on this amendment.

Senator COPPERSMITH. Mr. President, the gentleman from Westmoreland, Senator Kelley, and the gentleman from Dauphin, Senator Gekas, are correct. The amendment is an essential part of this bill. We are dealing really with an Alice in Wonderland situation where the gentleman from Westmoreland, Senator Kelley, is defending an amendment which says some positive action means complete action, where the elimination of "in good faith," means that you have to have good faith. I am bewildered how we are standing the English language on its head.

Why did the House eliminate "in good faith"? Because it felt the words really would give the manufacturer a legitimate reason to insist on the completion of the improvements.

What does a positive step mean? To my understanding, a positive step is any step forward in completion of a requirement. It can be one per cent, it can be five per cent, ten per cent, eighty per cent. This is such loose language. A positive step means compliance.

I wish all of us would have such benefits that in complying with the responsibilities we have under contracts and other situations that if we take a positive step, we would have achieved 100 per cent compliance.

Why are we standing the English language on its head in this situation? We are not dealing with the poor and the unfortunate in protecting them. I am bewildered why we are sanctioning this governmental intervention which will result in distorting the meaning of commonly accepted words and creating a new type of fiction where positive means completion, where the elimination of in good faith means the incorporation of in good faith in the bill.

It is very bewildering. This amendment is the heart of House Bill No. 1528. I hope the Members will think twice before they sanction the drastic governmental intrusion in this area.

Senator KELLEY. Mr. President, just so the legislative history is clear, no one is trying to thwart the purpose of the English language. I suppose my colleagues would say far be it for the gentleman from Westmoreland to try to clarify that.

However, it was the other Body that made the strike out of the words "good faith." I can only say that in the committee process, and so the legislative history will reflect it, it is not the intention of this bill that there be no good faith, it is just a clarification that good faith is always there and presumed inherently a part of our jurisprudence.

It is unnecessary for us to revert back in there. If the gentleman were really concerned about the good faith, he would be imposing and reincorporating good faith in the terminology

rather than striking out the whole section. It does go to the very heart of it. Rather than belaboring and extending the dialogue between two of the Members, I ask for a negative vote.

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

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

Senator KELLEY. I will, Mr. President.

Senator COPPERSMITH. Mr. President, would the gentleman consent to have the words "in good faith" restored to that section?

Senator KELLEY. No, Mr. President, because I think very clearly it is already part of our jurisprudence. Good faith is always part of the party who is trying to prove his point and I think if we are aware that one of the great complaints today and the present incumbent in the White House, I think, assented that position, one of the reasons he gave, he talked about the clarification of language. We should not be incorporating a lot of language that is unnecessary language, so I think we should continue to exclude it and say what we mean.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—2

Coppersmith, Fumo,

NAYS—47

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, hopefully, but prior to that passage, I would just call to the attention of the Senate that the passage of House Bill No. 1528, Printer's No. 2828, in no way alters or affects Subsection 431, subparagraph B of the Liquor Code which permits a Pennsylvania manufacturer to act as the primary or original supplier of his products for any designated area, including the entire Commonwealth of Pennsylvania, if he so desires.

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

NAYS—1

Coppersmith,

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

BILLS ON SECOND CONSIDERATION

SB 265 (Pr. No. 438) and SB 765 (Pr. No. 1811) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1408, SB 1432, HB 1937 and 2383 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SENATE RESOLUTION, SERIAL NO. 95, CALLED UP

Senator ZEMPELLI, without objection, called up from page 6 of the Calendar, Senate Resolution, Serial No. 95, entitled:

Urging Governor reexamine proposal to utilize proceeds from State Lottery Fund for certain grants and subsidies.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 95, OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 95.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, as there were two resolutions on today's Calendar which we intended to call up and they were on first day, it has been agreed with the consent of the sponsors of both resolutions, that they would be considered as the first order of business on Monday.

Mr. President, I have confused the record by first calling up Senate Resolution, Serial No. 95 and then I proceeded to request the Chair by some dialogue to reconsider that action and I do not think I reached that point. So that there is a position of clarity, I am reasserting the call to consider Senate Resolution, Serial No. 95 and ask for its immediate consideration. I understand the Minority Leader may want to request a caucus with respect to this resolution. I understand it is on first reading.

It is also my intent, Mr. President, so there is no confusion on completion of today's Calendar, to call also Senate Concurrent Resolution, Serial No. 234, which is similarly another resolution on first consideration.

RECESS

Senator HAGER. Mr. President, I would ask for a recess of the Senate for the purpose of a Republican caucus. We have not seen this resolution. It is a first day matter. We have not caucused on it. I cannot tell you how long it will be that we will be there, but we will try and come back at some reasonable hour.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate for the purpose of a Republican caucus.

AFTER RECESS

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

And the question recurring,

Will the Senate agree to the motion to adopt Senate Resolution, Serial No. 95.

REQUEST FOR RESOLUTION OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I request that Senate Resolution, Serial No. 95, go over in its order.

REQUEST FOR RESOLUTION OVER IN ORDER

Senator ZEMPRELLI. Mr. President, I request that Senate Resolution, Serial No. 95, go over in its order.

The PRESIDING OFFICER. Without objection, Senate Resolution, Serial No. 95, will go over in its order.

SENATE CONCURRENT RESOLUTION, SERIAL NO. 231, OVER IN ORDER AND RECOMMITTED

Senate Concurrent Resolution, Serial No. 231—Without objection, the resolution was passed over in its order at the request of Senator ZEMPRELLI.

In accordance with Senate Rule 2, Order of Business, as amended by Senate Resolution, Serial No. 13, Session of 1969, the resolution was recommitted to the Committee on Constitutional Changes and Federal Relations.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator ROMANELLI, from the Committee on Urban Af-

fairs and Housing, reported, as committed, **SB 1273** and **HB 1753**; as amended, **SB 1368**.

Senator MCKINNEY, from the Committee on State Government, reported, as committed, **HB 1899**; as amended, **SB 983**.

BILLS REREFERRED

Senator MCKINNEY, from the Committee on State Government, returned to the Senate **SB 1416** and **1417**, which were rereferred to the Committee on Agriculture and Rural Affairs.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 983, 1273, 1368, 1410, HB 1753, 1899 and 2261.

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

SENATE RESOLUTION

AMENDING SENATE RULE 35, PART II OF SECTION 1

Senator SCANLON offered the following resolution (**Serial No. 101**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 3, 1980.

RESOLVED, That Senate Rule XXXV, Part II of section 1 be amended to read:

XXXV ACCOUNTING FOR APPROPRIATIONS

* * *

II — Travel and Travel Allowances

1. Authorized travel or travel allowances for which payment or reimbursement may be claimed in the performance of legislative services:

- (a) Round trip from home district to Harrisburg for sessions.
- (b) Round trip from home district to Harrisburg for nonsession activities.
- (c) Intradistrict or interdistrict legislative business.
- (d) Committee meetings, hearings, conferences or seminars.
- (e) Car rental up to [~~\$250~~] \$350 per month, exclusive of insurance and other costs of operation. Rental may not include lease purchase agreements.
- (f) Parking, limousine services, taxi, tolls, including to and from session.
- (g) Witness expenses.
- (h) Staff travel from work place to specific legislative business.

* * *

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Pennsylvania State University Lady Lions Lacrosse Team by Senator Corman.

Congratulations of the Senate were extended to Sharon Lee Toll, Aracely Sierra, Sylvester Marnier and to The Reverend Henry J. Brown by Senator Lloyd.

Congratulations of the Senate were extended to Horace F. Richter, Sr. by Senator Greenleaf.

Congratulations of the Senate were extended to Audry Becker by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Stewart by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. John Judge and to Herman C. Kersteen by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. John B. Watkins by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Rheam by Senator Early.

Congratulations of the Senate were extended to John B. Forlizzi and to the Hershey Bears Hockey Team by Senator Gekas.

Congratulations of the Senate were extended to Glenn and Aileen Stake by Senator Stapleton.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 4, 1980

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044) Auditorium, William Penn Memorial Museum, Harrisburg, PA

12:00 Noon PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 778 and House Bill No. 2012) Auditorium, William Penn Memorial Museum, Harrisburg, PA

THURSDAY, JUNE 5, 1980

10:00 A.M. LABOR AND INDUSTRY (Public Hearing on Senate Bills No. 141, 147, 548, 556, 557, 639, 656, 698, 712, 713, 714, 715, 716, 717, 718, 719, 793, 839, 884, 895, 1128 and 1164) Room 461, 4th Floor Conference Rm., North Wing

MONDAY, JUNE 9, 1980

9:30 A.M. JUDICIARY (to consider the nominations of the

following as Judges to the Municipal Court of Philadelphia: William J. Brady, Esquire; Francis P. Cadran, Esquire; J. Gardner Colins, Esquire and John J. Scott, Jr., Esquire) Conference Rm., North Wing

1:00 P.M. BUSINESS AND COMMERCE (to consider Senate Bills No. 1425, 1427, 1428 and 1429) Room 459, 4th Floor Conference Rm., North Wing

TUESDAY, JUNE 10, 1980

10:00 A.M. EDUCATION (to consider Senate Bills No. 1199, 1204, 1283, 1354 and House Bill No. 586) Room 461, 4th Floor Conference Rm., North Wing

10:30 A.M. LABOR AND INDUSTRY (to consider Senate Bills No. 793, 796, 941; House Bills No. 421 and 1859) Room 460, 4th Floor Conference Rm., North Wing

11:30 A.M. INSURANCE (to consider Senate Bills No. 1141, 1406 and House Bill No. 2204) Room 460, 4th Floor Conference Rm., North Wing

WEDNESDAY, JUNE 11, 1980

10:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044) Auditorium, William Penn Memorial Museum, Harrisburg, PA

THURSDAY, JUNE 12, 1980

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

THURSDAY, JUNE 19, 1980

10:00 A.M. Special Senate Committee to Investigate the Laws and Regulations Affecting the Taxation of Public Utilities, which is Senate Resolution No. 68 (Public Hearing) Room 200, Council Chambers, City Hall, Main & Market Sts., Johnstown, PA

FRIDAY, JUNE 20, 1980

10:00 A.M. Special Senate Committee to Investigate the Laws and Regulations Affecting the Taxation of Public Utilities, which is Senate Resolution No. 68 (Public Hearing)

Room 461,
4th Floor
Conference Rm.,
North Wing

THURSDAY, JUNE 26, 1980

10:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044)

Auditorium,
William Penn
Memorial
Museum,
Harrisburg, PA

ANNOUNCEMENT BY MAJORITY LEADER

Senator ZEMPRELLI. Mr. President, it was earlier circulated at least by way of rumor that we would be into a token Session tomorrow. It now appears that there will be for consideration and roll call at least one resolution and possibly two. Those would be Senate Resolution, Serial No. 95, as well as Senate Concurrent Resolution, Serial No. 234, which was intended to be called up.

ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Wednesday, June 4, 1980, at 12:00 Noon, Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7.44 p.m., Eastern Daylight Saving Time.