

Legislative Journal

MONDAY, SEPTEMBER 29, 1980

Session of 1980

164th of the General Assembly

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SENATE

MONDAY, September 29, 1980.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, The Reverend Father JOSEPH B. ZEDNOWICZ, Pastor of the Immaculate Conception Church, York, offered the following prayer:

Let us bow our heads in prayer.

Almighty and eternal God, we call upon You this day as we gather here together to begin anew the deliberations which will eventually produce the legislation that will certainly and ultimately benefit the people of this great Commonwealth.

Grant that Your divine spirit will guide, direct, counsel and inspire these industrious men and women who realize that heavenly grace and blessing is truly necessary for their work to be fruitful, successful and enduring.

Give each one of them the courage of their convictions, the strength to seek the truth and to defend it vigorously, the understanding to know the needs of their people, the wisdom to guide them in their work, the prudence to assist them especially when difficulties and serious problems challenge their every effort.

We all need to do good. We all work for the benefit of our great Commonwealth and its citizenship. We all try to do our duty as You have directed and certainly they will strive to fulfill the serious obligations of their elected office. For we are all here to serve the electorate, to the best of our ability, in justice, fairness, equity and peace.

We ask all this in the name of Christ our Lord, Amen.

The PRESIDENT. The Chair thanks Father Zednowicz, who is the guest this week of Senator Hess.

JOURNAL APPROVED

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

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

LEAVES OF ABSENCE

Senator SCANLON asked and obtained leave of absence for

Senator FUMO, for the week, for personal reasons.

He also asked and obtained leave of absence for Senator ORLANDO, for today's Session, for personal reasons.

SENATOR SCANLON TO VOTE FOR SENATOR MELLOW AND SENATOR LEWIS

Senator SCANLON. Mr. President, I request a legislative leave of absence for today's Session for Senator Mellow and Senator Lewis.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF LOCK HAVEN STATE COLLEGE

September 25, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Larry Hunter Lytle, M.D., 23 Hemlock Drive, Box 790, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, for appointment as a member of the Board of Trustees of Lock Haven State College, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Harris Lipez, Lock Haven, whose term expired.

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2895** and **2919**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 2547**, which was referred to the Committee on Business and Commerce.

He also presented for concurrence **HB 2837**, which was referred to the Committee on Public Health and Welfare.

He also presented for concurrence **HB 1462**, **1647** and **2470**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 2095**, which was referred to the Committee on Transportation.

SENATE BILLS RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 489, 579, 1263, 1341 and 1508**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 1475**, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 1475, HB 1845 and 2114.

BILLS INTRODUCED AND REFERRED

Senators **GEKAS** and **PRICE** presented to the Chair **SB 1597**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for reports of certain accidents involving public utilities.

Which was committed to the Committee on Consumer Affairs.

Senator **GREENLEAF** presented to the Chair **SB 1598**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," by removing insurance company endorsements from an applicant's answer to interrogatories for licenses.

Which was committed to the Committee on Insurance.

He also presented to the Chair **SB 1599**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," requiring the department to print and make available to the public no-fault claim forms.

Which was committed to the Committee on Insurance.

He also presented to the Chair **SB 1600**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," changing the responsibility of obtaining proof in support of no-fault claims.

Which was committed to the Committee on Insurance.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator **SCANLON** offered the following resolution, which

was read, considered and adopted:

In the Senate, September 29, 1980.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 6, 1980 and when the House of Representatives adjourns this week it reconvene on Monday, October 6, 1980.

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

RECESS

Senator **SCANLON**. Mr. President, I request for the purpose of holding a Democratic caucus and a Republican caucus.

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

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF CHEYNEY STATE COLLEGE

September 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 **Kenneth D. Hill**, 1476 Hancock Lane, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Reverend **Jacob L. Chatman**, Coatesville, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS

September 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 **Basil Scott** (Public Member), Box 64, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Chiropractic 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 not longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNSYLVANIA STATE UNIVERSITY

September 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 Charles Stone, 400 North Broad Street, Philadelphia 19101, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1983, and until his successor is appointed and qualified, vice The Honorable Joseph Rhodes, Jr., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF PHARMACY

September 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 Fred A. Iamurri, 254 East Oregon Road, Box 5184, Neffsville 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, or until his successor is appointed and qualified, vice Joseph Stern, Reading, whose term expired.

DICK THORNBURGH.

REPORTS FROM COMMITTEE

Senator SMITH, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **SB 1436, 1480 and HB 2254**; reported, as committed, **HB 419, 2255, 2667 and 2893**; as amended, **SB 381**.

REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE

Senator KELLEY, by unanimous consent, submitted the Report of Committee of Conference on **HB 1527**, which was laid on the table.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR
LINCOLN AND SENATOR ORLANDO

Senator ZEMPRELLI. Mr. President, I would request a legislative leave of absence on behalf of Senator Lincoln, who has had to leave for a meeting on legislative matters with House Members.

Mr. President, I would also request that the leave of absence on behalf of Senator Orlando be changed from a personal leave of absence to a legislative leave of absence.

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

CALENDAR

HB 962 CALLED UP OUT OF ORDER

HB 962 (Pr. No. 3961) — Without objection, the bill was called up out of order, from page 17 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION AMENDED

HB 962 (Pr. No. 3961) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

ZEMPRELLI I AMENDMENTS

Senator ZEMPRELLI offered the following amendments:

Amend Sec. 204, page 7, line 12 by inserting after "DAYS": after submission

Amend Sec. 204, page 9, line 14 by inserting after "NOTIFY": in writing within 30 days after its submission

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

ZEMPRELLI II AMENDMENTS

Senator ZEMPRELLI offered the following amendments:

Amend Sec. 204, page 9, line 16 by inserting a period after "ASSEMBLY"

Amend Sec. 204, page 9, lines 16 and 17 by striking out "AND THE PROCEDURES SET FORTH IN SUBSECTION (B) SHALL APPLY." and inserting: The agency may rewrite the deed, lease or contract to meet the objections of the Attorney General. If the agency disagrees with the objection of the Attorney General, it may appeal the decision of the Attorney General by filing a Petition for Review with the Commonwealth Court in such manner as is provided for appeals from final orders of government agencies pursuant to 42 Pa. C.S. § 763 (relating to direct appeals from government agencies).

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

HAGER I AMENDMENTS

Senator HAGER offered the following amendments:

Amend Table of Contents, page 2, line 18, by inserting before "INTERVENTION": Supercession and

Amend Table of Contents, page 2, line 18, by striking out "AT THE APPELLATE LEVEL"

Amend Table of Contents, page 2, line 22, by inserting before "INTERVENTION": Supercession and

Amend Table of Contents, page 2, line 22, by striking out "AT THE APPELLATE LEVEL"

Amend Sec. 303, page 16, line 16, by inserting before "INTERVENTION": Supercession and

Amend Sec. 302, page 16, line 16, by striking out "AT THE APPELLATE LEVEL"

Amend Sec. 303, page 16, line 29, by striking out "EXECUTIVE AGENCY OR OFFICIAL INVOLVED." and inserting: Governor and his interests as Chief Executive Officer of the Commonwealth and its Executive Department.

Amend Sec. 303, page 17, lines 1 through 7, by striking out all of said lines

Amend Sec. 403, page 18, line 24, by inserting before "INTERVENTION": Supercession and

Amend Sec. 403, page 18, line 24, by striking out "AT THE APPELLATE LEVEL"

Amend Sec. 403, page 19, line 5, by inserting after "THE" where it appears the last time: interests of the

Amend Sec. 403, page 19, line 6, by inserting a period after "AGENCY"

Amend Sec. 403, page 19, line 6, by striking out "OR OFFICIAL INVOLVED."

Amend Sec. 403, page 19, lines 7 through 14, by striking out "APPLICATION OF" in line 7, all of lines 8 through 14

On the question,

Will the Senate agree to the amendments?

Senator HAGER. Mr. President, I have two other amendments that are agreed to. This one is not agreed to.

Mr. President, the purpose of these amendments is to correct the situation which exists in the bill in its present form which I think runs really against the entire course of law, conflicts of interests and the entire politics of the situation which is being created now.

Mr. President, under the law as it presently is, the Governor and any agency of his which is sued must go to court without anybody representing him.

Mr. President, I believe this is, perhaps, one of the most important arguments which will ensue about the office of the elected Attorney General. To date, the Attorney General is solely the creature of the Governor. He works for the Governor, he does as the Governor tells him to do, he is the Governor's choice as his attorney in civil matters. House Bill No. 962, which we are considering today, changes all of that and in this particular case, the case which is addressed by these amendments, it changes it in a way which I think is inimical to justice and to the entire relationship which should exist between a person and his lawyer. House Bill No. 962, in its present stance does not give the Governor or his agencies their choice of representation at the trial court level. It says that whether we want it or not, the people in the Governor's Administration, whichever Governor, however our politics, will be represented by the elected Attorney General, whichever Attorney General, however his politics and regardless of whether his interests are inimical to ours, we are stuck with that lawyer until we go to the appellate level.

That is the same as saying that after the case has been lost, after the evidence has either been put in or neglected to be put in, depending upon the sole discretion of the attorney, who is not the attorney for the Governor, the Governor may then have the opportunity to come into an Appellate Court and say, "Well, perhaps something else should have been considered."

Mr. President, the fact is, it could not have been considered because if the Attorney General decides not to put in that evidence, not to offer a certain line of defense, the Governor is stuck with that. We do not stick anyone in the Commonwealth of Pennsylvania and, in fact, in the United States, in such a position.

Under the laws of the Commonwealth, under the laws of the

United States, a person is entitled to counsel of his or her own choosing. If we do not change this provision of the law, we will be saying that the Governor and all of his agencies are not the equal of the lowest person anywhere in the United States. We will be putting any Administration for all time in a very bad position, vis-a-vis anyone who brings suit against the Commonwealth.

Mr. President, these amendments as I offer them, merely say this, that if the Governor or his agencies want to be represented at the trial court level where the evidence is put in, by counsel of their own choosing, they have the right to do that, and they are not at the mercy of an Attorney General whose interests may not be the same as the Governor or his agency. That is the whole purpose of the amendments, to give the Governor his own counsel at the trial court level which in my opinion is the most important level.

Mr. President, that is the sole purpose of it and I ask for support of these amendments.

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

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

Senator HAGER. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman from Lycoming, Senator Hager, explain his relationship to his presentation of support that the representation is limited to a certain class of cases where the Governor or the executive agency is the defendant in a process as opposed to the Administration initiation by the executive agency or department?

Senator HAGER. The Senator is correct, Mr. President. This applies only in those cases where a proceeding has been brought against the Governor or against the agencies which are answerable to the Governor since there is other language in the bill. This would have to do with the right of the attorney for the Commonwealth, that is the Governor's attorney, to intervene or supercede the Attorney General where the Governor has been sued and they do not like what the Attorney General is doing in their defense.

Senator KELLEY. Mr. President, the examples would be—if the Governor in person or the head of an agency or the entity of the government, the Commonwealth Administrative Agency being the named defendant in a Civil Rights Section 1983 action or a tort claim, is that the scope of the area in which the gentleman is addressing himself?

Senator HAGER. Mr. President, that would not be the entire scope. I would hate to try to completely limit the scope of all the actions which might be brought against the Commonwealth or the Governor to those which might come to my mind in this debate at the moment.

Mr. President, there are all kinds of reasons why a Commonwealth could be sued, the Department of Environmental Resources or PennDOT or anyone else might get sued or the Governor himself and there are as many instances in which an Attorney General might have a slightly different political interest than the Governor's. In those cases, Mr. President, it seems to me, whatever they may be, the Governor, his agencies

and his secretaries or their deputies should be entitled to have counsel of their choosing, which is a far different thing from having an Attorney General who is now an elected official and may have interests far, far different.

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Berks, Senator O'Pake, will state it.

Senator O'PAKE. Mr. President, first of all, I would ask for a ruling from the Chair as to whether or not I as a candidate for this office am permitted to discuss House Bill No. 962 and vote on the amendments and the bill.

Senator HAGER. Mr. President, may we be at ease, please?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease).

The PRESIDENT. The Chair is ruling that the gentleman's debate in this matter and his vote are perfectly in order.

Senator O'PAKE. Mr. President, I rise to urge opposition to these amendments. My chief authority is no less than Governor Thornburgh. In 1978, Mr. Thornburgh said when asked this question by the task force which I chaired, "It is extremely important in my mind that the Attorney General of Pennsylvania be solely responsible for litigation involving the State."

Not even I am suggesting that we go that far and make the Attorney General solely responsible for all litigation involving the State. As a matter of fact, the compromise that has been worked out permits the Attorney General to represent the Commonwealth once litigation has been filed, and it is a matter of defense in court, and it gives to the Governor through his general counsel the power to appoint the lawyers who will give the day-to-day legal advice to all the agencies who are part of that executive department. That seems to represent a fair compromise as to how to handle the delicate situation of the relations between the Governor and the Attorney General.

As a matter of fact, thirty-seven other States either give the Attorney General sole authority over litigation or have arranged some sort of compromise along the lines suggested by the original Senate Bill No. 885. These amendments, however, shift the focus entirely away from the elected Attorney General effectively representing the interests of the taxpayers and the people of the Commonwealth of Pennsylvania.

Why do I say that? We can suggest and we can argue that the Governor is entitled to have his own counsel. Nobody disagrees with that, Mr. President. In every version of the legislation suggesting that we define the powers of the Attorney General differently than they now are, in every one of those pieces of legislation, the Governor has his own counsel.

But I ask you, Mr. President, is it professional? Does it make sense economically because the taxpayers are going to have to pay the bill to invite two lawyers representing the Commonwealth in every piece of litigation filed, every defense that is undertaken?

When the Commonwealth is sued, who is the Attorney General going to wind up defending if the Department of Public Welfare has its lawyer defending the Department of Public

Welfare, the Department of Education has its lawyer representing the Department of Education and so on down the line?

I think the compromise that was struck, namely allowing the general counsel to name the attorneys who will give the day-to-day legal advice and even permitting the right to intervene at the appellate level was a decent resolution of the problem. I hope that would work.

When we say there is a right to intervene in every case, that in theory and on paper the Attorney General represents the Commonwealth of Pennsylvania, but the Governor's appointed general counsel will represent the agency involved, I think we are in effect trying to reverse the constitutional amendment of 1978 when the people of Pennsylvania said, and this is all they said, "The Attorney General should be elected." They did not say, "The Attorney General should be elected and we will give him a title but the power will shift back to the Governor's own appointed general counsel." I think the people of Pennsylvania said they wanted certain things outside of the Governor's house.

What these amendments are doing are putting defense of civil litigation, when an agency of the Executive Branch is involved, and that will be just about every civil lawsuit we can think of, back on the Governor's appointed general counsel, and I think that repudiates the vote that the people of Pennsylvania by a five to one margin registered in 1978.

As a practical matter, we are concerned about paralyzing the Governor and crippling State Government. That has not happened in any one of the other thirty-seven States that do it the way the task force bill suggested. But the reverse could be true. That is this: If the Attorney General is to defend the Commonwealth of Pennsylvania and the taxpayers of this State in civil litigation and if the employees of the department involved know they are going to have their own lawyer representing them, how can we expect cooperation from those parties who must provide the evidence, who will have to give the testimony, who will have to make the case that is necessary for the Attorney General to properly protect and defend the citizens of the Commonwealth in civil litigation?

Mr. President, I think this is a mistake. I think this goes a long step toward retaining the powers, the civil powers under the thumb of the Governor through his hand-picked, appointed general counsel. I do not think that is what the voters of Pennsylvania said in 1978.

Senator HAGER. Mr. President, I believe there are certain misconceptions which are included in the statements of the gentleman from Berks, Senator O'Pake, which I think should be spoken to.

First of all, it is not in every case that the Governor is going to insist upon having his own counsel. It is going to be the rare case when it is obvious that for political or other reasons, the interests of the Attorney General are not identical to those of the person he is supposed to be representing.

In the law, it is very clear that an attorney should not represent someone when there is a severe conflict of interest. It is going to be a very difficult thing indeed in the milieu created by an elected Attorney General to have strong matters of policy, of great public interest, where there will not be some conflict of

interest between some Attorney General and some Governor whether they are of the same political party or not.

The issue is not whether or not the Attorney General is ousted from the case. In no instance under these amendments would the Attorney General be ousted from the case. He would still have the responsibility of representing the Commonwealth. The Governor or its agency would not be left alone without counsel between that one suing the Commonwealth who is hostile and that one representing the Attorney General who may very well be just as hostile. We do not require that of any person, that he must go to court with someone who has a direct conflict of interest with him.

There is one other matter, Mr. President. It seems to me the gentleman from Berks, Senator O'Pake, himself puts his finger on what is at issue here when he talks about no less authority than Governor Dick Thornburgh himself. May I point out to the Members that Governor Dick Thornburgh is not defining the duties of the elected Attorney General, neither is the gentleman from Berks, Senator O'Pake, although they do both admittedly have a particular interest in the office. That is why I believe this decision must be made dispassionately and for the years not just on which candidate is liable to be elected Attorney General and which one of them Governor Thornburgh may have to deal with, because in the ensuing years, we are going to have Governors of all kinds of political stripes. There will be Republicans; there will be Democrats. There will be Attorneys General who will share their party affiliation and there will be Attorneys General who are opposite them in political affiliation.

Mr. President, we have got to think about this as an institution. When the gentleman from Berks, Senator O'Pake, says that it is a viable compromise to say that the Governor should be allowed to have his attorney come in at the appellate level, is like saying send him into the barn after the horse is already gone, because the attorney who tries the case is solely in charge of whatever evidence goes in and what stays out.

All we are asking is that although the Attorney General may represent the Commonwealth at the trial court level, somebody should be there if the Governor wants that person there to make sure all of the evidence the Governor wants in is in, because when you get to the appellate level, if the evidence is not in, you cannot put it in, it is all over. In the interest of fairness it seems to me, from the standpoint of both institutions, to take the monkey of even suspected conflict of interest from the back of the Attorney General, the Governor and his agencies must have the opportunity to have counsel there in those few cases where the Governor feels it is necessary.

Senator ZEMPRELLI. Mr. President, when the issue of an elected Attorney General was brought before the Legislature I voted against it, I campaigned against it and now that for the last several weeks, I have been involved with all the Members of Leadership on both sides and the Governor's staff in trying to arrive at a just and fair bill, Mr. President, I am reassured that if I had the issue before me again tomorrow, I would once again vote against it. The problem nonetheless is ours. We cannot avoid it. The issue is to strike a balance between the Attorney General and the executive that is fair, reasonable and

just under the law. It is a very difficult problem because precisely what we are doing is balancing powers under a given situation in two offices that conceivably can be at odds with one another. Because of that and because I have been a practicing lawyer for 30 years as of the first of this year, I recognize the absolute importance of a client being represented by an attorney in whom he has faith and by whose decision he is prepared to abide. That is so fundamental with me that it goes beyond politics, it goes beyond every other standard. Applied to this given situation, I think it would be a miscarriage of justice if the executive was not permitted his own counsel in any matter in which the executive was a defendant or in some other capacity affected by any legislation or litigation that ensued.

More important, Mr. President, by granting the right of intervention in any legal proceeding, we are bringing before the court at one time all of the salient arguments that can be brought by all the parties, and together with the presumption of regularity with respect to executive agencies, we are allowing government to go ahead efficiently and immediately, subject to judicial review.

Mr. President, if the Attorney General was the only party that was permitted to represent all of the executive agencies, conceivably we would have an Attorney General who did not believe philosophically as the Governor did, he might assign inferior counsel, he might have an attitude that is completely repugnant to that of the executive and wish to pursue the litigation. I am not talking about the present Governor, I am not talking about any of the apparent winners in the next election. I am speaking hopefully fifty years down the road, twenty years down the road, in setting up a system of balance. It would seem to me, Mr. President, if we are concerned about balancing powers, we should let a person have an attorney of his choosing, not diminish the powers of the Attorney General by recognizing the fact that he is the attorney and continues to be the attorney for the Commonwealth and at the same time recognize that we are bringing everybody's particular point of view before the court at one time.

Mr. President, this is not a partisan issue. This is an issue that has obviously gone beyond party lines and many of us are thinking down the road as to all of the many combinations that could be involved. I think I am thinking in what is the best interest of the Commonwealth of Pennsylvania and I am supporting these amendments for that reason.

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

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

Senator HAGER. I will, Mr. President.

Senator SCHAEFER. Mr. President, in our caucus there was a discussion in a lawyer-like kind of fashion about the right of intervention as established by our rules of civil procedure. I believe it is safe to say that there was a conclusion which I believe the gentleman from Allegheny, Senator Zemprelli, shared at the time, that there is a right of intervention. Mr. President, does the gentleman agree with that which is already established in our rules of civil procedure upon cause shown or am I catching the gentleman off guard totally?

Senator HAGER. The gentleman is not catching me off guard, Mr. President. What I would say is that there is, under circumstances, a right of intervention but there is always, if I may go on from that, the right of any person to be represented by counsel of his own choosing. For instance, in a case where a defendant is being sued and he is represented, or is insured and is being represented by an attorney for the insurance company, if he wants to have his own counsel, he obviously can take his own counsel to that trial and be represented by him as well as by the attorney for the insurance company. It seems to me that the Governor should have no less.

Senator SCHAEFER. Mr. President, if the rules of civil procedure allow upon cause shown the right to intervene and if the gentleman is worried about this conflict, and this is a sincere question because I am trying to make up my own mind, why would that not take care of it?

Senator HAGER. Mr. President, we are not really talking about intervention here. What we are talking about is addition of counsel. When you mention intervention as the gentleman is mentioning it, that is the intervention of parties not of the hiring of a counsel. The word intervention is being used differently here. What we are really saying, Mr. President, is that the Governor should have the right to have his counsel intervene in the trial of the case, it is not the addition of a party which is what intervention really is in the sense that the gentleman is using it.

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

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

Senator HAGER. I will, Mr. President.

Senator KELLEY. Mr. President, I am not so sure I understand the amendments after listening to the gentleman from Allegheny, Senator Schaefer, and the remarks of the gentleman from Lycoming, Senator Hager. The contention seems to have been verbalized by the gentleman from Lycoming, Senator Hager, and the gentleman from Allegheny, Senator Schaefer, that the Governor has a right to his own attorney. Mr. President, is this the anticipation only when the Governor is himself named as a party defendant or does it mean whenever an agency or department of the Executive Branch is named?

Senator HAGER. No, Mr. President, it does not mean when the Governor only is named.

Yes, it does mean that when he or any of the agencies under him is sued, that he should have the right to counsel of his own choosing in addition to the Attorney General if he wishes it.

Senator KELLEY. Mr. President, I see some sort of a dilemma in our choice in these amendments. The amendments, as I understand them from the sponsor, are saying that the Governor, where an executive agency is named as a defendant, shall have the right to name his own attorney to represent the executive agency. At the same time, we are saying that the Commonwealth in the entity, in the sovereignty is represented by the Attorney General, in the Attorney General's Office and that the Attorney General, likewise, will represent the Commonwealth in the proceedings. Is that correct, Mr. President?

Senator HAGER. That is correct, Mr. President. If I may, as an illustration in our colloquy here, let me pose a hypothetical question to the gentleman. Suppose the gentleman, as a practicing attorney, were sued for malpractice and his malpractice insurance carrier assigned a lawyer to the defense of the gentleman's case, with whom the gentleman did not agree either as to the quality of his defense or the line of his defense. Would the gentleman not feel that in that instance he should be entitled to, in addition to him, be represented by counsel of his own choosing? That is all we are asking for the Governor, Mr. President.

Senator KELLEY. Mr. President, it is the example that the gentleman from Lycoming, Senator Hager, just gave to me and he gave to the gentleman from Allegheny, Senator Schaefer, and that is what bothers me. The illustration is to me personally where I have a personal potential liability as opposed to my representation in a capacity of an institution. Now in the one sense we are saying the Attorney General because he represents the Commonwealth. That is the totality of the sovereignty of Pennsylvania. Then in proceedings where the Executive Branch is named, the Governor shall have a right to name somebody which is part of the total of the Commonwealth. Then as a matter of consistency I think that maybe what we should do is say that the Legislative Branch maybe should have representation.

Mr. President, I would like the gentleman to address this as an interrogatory as to why the General Assembly should not possibly be represented by counsel of its choosing. As an example, I am thinking in terms of the consent decree that took place dealing with the ratio of conscriptions to the State Police that was done. Had the General Assembly been represented, there would have been a different point of view put in, I am sure.

Mr. President, it seems to me that once we make a breakdown of the totality of the institutions into one of the branches now with the Governor, as the amendments of the gentleman, then I say, "Well, why not extend it to the other parts as well?"

Senator HAGER. Mr. President, I would say that in those instances where the Legislature, although not a party to the suit, would like to intervene, then the rules, which the gentleman from Allegheny, Senator Schaefer, talked about, would apply and we would be able to file an application to intervene. On the other hand, in the case where the Governor is sued or the State is sued, it is almost always the Administration which is being sued and not the existence of a piece of legislation which frankly cannot be challenged by suing someone unless we are alleging unconstitutionality. In that case, Mr. President, we are not a party, although I think we could intervene. If I may go back again in response to the first part of this question, frequently a corporation is sued for civil damages; that corporation may be a one-person corporation or millions of stockholders represented by the corporation, by its officers and board of directors. I again ask the question: Although there is a difference between a political body and a private corporation, suppose the gentleman was president of a corporation which was being sued and he was not happy with counsel which had been given to him or assigned to him by the insurance company, would the gentleman not feel somewhat less than secure-

ly clothed going into that trial without counsel of his own to assist in the trial of that case?

Senator KELLEY. Mr. President, the gentleman is most successful at turning the tide. Again I think the question rhetorically is not relevant to the factual situation of a governmental entity. I am thinking in terms that no one, Mr. President, would disagree with the right of an individual to choose his own or her own attorney. That is accepted across the board by all I am sure. The question here is whether or not there is a valid distinction to be made as the gentleman is purporting to do in his amendments where we have the Executive Branch being named. I think if we stop and analyze it, it is just a matter of form that we are always going to name the head of a department, the department and the Commonwealth in these kinds of litigation. There is no set form, may I say, because there are differences of opinion, the annals of our jurisprudence are filled both at the Federal and State levels about the naming of various parties. The very fact that as a matter of precaution the Governor may be named, the head of an Executive department may be named and that department may be named, it just seems to me that that alone is not sufficient justification to say they should have their own attorney, that the positions are adverse.

Mr. President, I believe the danger of the amendments is to operate on the assumption that there is going to be an adverse position between the two. I happen to believe that the responsibility that is going to be vested in an elected Attorney General, and the personalities are removed from this.

The gentleman from Lycoming, Senator Hager, the gentleman from Berks, Senator O'Pake, the gentleman from Cambria, Senator Coppersmith, and many others in this Body served on a task force. I am very proud that it was a long-range point of view on that task force. The point here is that I do not believe that we can justify the inference to say that there is going to be an adverse position between the elected Attorney General and the Executive. I am not so sure that the amendments do not presuppose that.

Senator BELL. Mr. President, I did not serve on the task force and maybe I can see the forest in spite of the trees. I think what the Majority Leader and the Minority Leader have stressed is that in government there is a thing called responsibility. The Governor is responsible for certain people. Although you can delegate authority, you cannot delegate responsibility. As Harry Truman says, "The buck ends here." What these two leaders are trying to tell us is, where the Governor is responsible for certain activities and certain people, he should be entitled to an attorney of his own choice.

Senator O'PAKE. Mr. President, during the course of the discussion, the gentleman from Lycoming, Senator Hager, analogized to a private corporation and private litigation. There is a difference when we are talking about the Attorney General of Pennsylvania. The difference is the Constitution of the Commonwealth of Pennsylvania, because the Constitution very clearly says the Attorney General shall be "the chief law officer of the Commonwealth." The amendments of the gentleman from Lycoming, Senator Hager, would change the Constitution by legislation to make him co-counsel for the Common-

wealth of Pennsylvania.

There is a procedure now for people who want to intervene and we have rules. We cannot intervene in every case. We have to show there is a legally defensible interest and we have got to show that our interest is not being adequately represented and, therefore, we have the right to intervene.

I strongly suggest, Mr. President, that the Minority Leader and the Majority Leader are ignoring the fact that there was an election in 1978. The people did not say they changed the definition of the Attorney General from chief law officer of the Commonwealth to co-counsel. All they said was they wanted to elect him.

I submit to the gentleman from Delaware, Senator Bell, the Attorney General will have the same accountability and responsibility that the Governor has and is to the people of Pennsylvania. His obligation is to defend the laws of the Commonwealth of Pennsylvania, not to make policy, but to defend the laws and the Constitution and that is his job.

We are inviting a duel bureaucracy, the Governor with his law firm, the Attorney General with his law firm, all in violation of the Constitution which says that the Attorney General shall be the chief law officer of the Commonwealth, not co-counsel.

Mr. President, I think the compromise which allowed the Governor through his counsel to intervene at the appellate level when obviously policy questions will come up is not a bad one, but to say that there will now be two lawyers for the Commonwealth in actions, to say the Attorney General is not the chief law officer of the Commonwealth anymore, but that he is co-counsel flies in the face of the 1978 election which was pretty decisive. I understand the gentleman from Lycoming, Senator Hager, supported an elected Attorney General; he was the sponsor of the bill. I know the gentleman from Allegheny, Senator Zemprelli, fought an elected Attorney General, but the people decided that. Let us not give him a title and not give him the authority to be accountable to the people for the job he was elected, namely to be the chief law officer of the Commonwealth.

Senator HAGER. Mr. President, there were two points of confusion in the presentation of the gentleman from Berks, Senator O'Pake, which I would like to straighten out for him. Number one, nothing in these amendments takes away from the Attorney General the fact that he is the chief law officer of the Commonwealth. All it really does is say that in addition to that, if the Governor wants to make sure the record is developed as he would like to have it developed, he has the right to counsel of his own choosing.

Secondly, the gentleman is confused about whether this is intervention or not. He says there are rules for intervention and obviously from those the gentleman quotes, it has to do with the intervention of parties. We are not talking about that, we are merely talking about the addition of an attorney to assist the Attorney General, if you would, in the case where the Governor does not feel totally confident in the lack of a conflict between the Attorney General and himself. That is all.

Senator BELL. Mr. President, I am sorry the gentleman from Berks, Senator O'Pake, did not read the full sentence of the

Constitution. It says, "The Attorney General shall be the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law." The words "by law" means what the act of Assembly says. That is what we are doing today.

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

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

YEAS—37

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

NAYS—11

Gurzenda,	Lincoln,	Murray,	Schaefer,
Kelley,	Lloyd,	O'Pake,	Stout,
Lewis,	Mellow,	Orlando,	

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

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

HAGER II AMENDMENTS

Senator HAGER offered the following amendments:

- Amend Table of Contents, page 2, line 31, by striking out all of said line
- Amend Table of Contents, page 2, line 32, by striking out "507" and inserting: 506
- Amend Table of Contents, page 2, line 33, by striking out "508" and inserting: 507
- Amend Table of Contents, page 2, line 34, by striking out "509" and inserting: 508
- Amend Sec. 506, page 34, lines 4 through 11, by striking out all of said lines
- Amend Sec. 507, page 34, line 12, by striking out "507" and inserting: 506
- Amend Sec. 508, page 35, line 7, by striking out "508" and inserting: 507
- Amend Sec. 509, page 35, line 17, by striking out "509" and inserting: 508

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

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

HAGER III AMENDMENTS

Senator HAGER offered the following amendments:

- Amend Sec. 102, page 4, line 11, by striking out "PENNSYLVANIA"
- Amend Sec. 103, page 4, line 16, by inserting after "TREASURY" and the Public Utility Commission
- Amend Sec. 204, page 6, line 30, by striking out "AND" and inserting a comma
- Amend Sec. 204, page 6, line 30, by inserting after "TREASURY": and the Secretary of Budget and Administration
- Amend Sec. 204, page 7, line 20, by inserting after "AND": shall
- Amend Sec. 204, page 8, line 6, by inserting after "TREASURY": and the Public Utility Commission
- Amend Sec. 204, page 9, line 16, by inserting after "ASSEMBLY": through the offices of the Secretary of the Senate and the Chief Clerk of the House of Representatives
- Amend Sec. 207, page 13, line 9, by striking out ", AFFAIRS," and inserting: Officers
- Amend Sec. 301, page 13, line 19, by inserting after "COUNSEL": appointed by the Governor to serve at his pleasure
- Amend Sec. 301, page 13, line 20, by inserting after "AND": who
- Amend Sec. 402, page 17, line 17, by inserting after "ADVICE": prior to the initiation of any action
- Amend Sec. 403, page 18, line 25, by striking out "GENERAL" and inserting: Agency
- Amend Sec. 403, page 19, line 1, by striking out "GENERAL" and inserting: Agency
- Amend Sec. 503, page 27, lines 7 and 8, by striking out both of said lines
- Amend Sec. 503, page 27, lines 11 through 13, by striking out all of said lines
- Amend Sec. 504, page 28, lines 7 through 9, by striking out all of said lines
- Amend Sec. 504, page 28, line 22, by striking out "405" and inserting: 406

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

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

LINCOLN AMENDMENTS

Senator ZEMPRELLI, on behalf of Senator LINCOLN, offered the following amendments:

- Amend Sec. 102, page 4, lines 4 and 5, by striking out "PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY,"
- Amend Sec. 102, page 4, line 10, by inserting a comma after "STATE TREASURY"
- Amend Sec. 102, page 4, line 10, by striking out "AND"
- Amend Sec. 102, page 4, line 11, by inserting after "COMMISSION": and the Pennsylvania Higher Education Assistance Agency

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

Senator ZEMPRELLI. Mr. President, all I can suggest to the Members of the Senate is that the amendments would exclude the Pennsylvania Higher Education Assistance Agency from the supervision of the Attorney General's Office. I know there was some comment in our caucus today and, in effect, it would

allow the Pennsylvania Higher Education Assistance Agency to hire independent counsel so as to reduce the jurisdiction of the Attorney General over the Pennsylvania Higher Education Assistance Agency's domain.

Mr. President, I personally am voting against the amendments and I want it understood that I was offering the amendments on behalf of the gentleman from Fayette, Senator Lincoln, who is not here and who has legislative leave.

Senator HAGER. Mr. President, I agree with the Majority Leader. This is not the kind of situation which we were talking about on my earlier amendments and I would ask for a negative vote on these amendments.

Senator KURY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator KURY. Mr. President, is it correct that under House Bill No. 962 without regard to the amendments that the PHEAA would have its own counsel or select its own counsel?

Senator ZEMPRELLI. It would, Mr. President, as I understand it.

Senator KURY. Mr. President, so in other words the amendments will not change the fact that the agency will select its own counsel under the existing bill?

Senator ZEMPRELLI. No. Mr. President, as I understand it, the Pennsylvania Higher Education Assistance Agency does not enjoy the status of an agency per se of government, and the effect of authorizing these amendments would be to almost establish the Pennsylvania Higher Education Assistance Agency as an agency of government with an independent standing. One of the arguments in opposition to these particular amendments is that this board is not an elected board and should be responsive to those elective offices that would supervise and control and, therefore, does not occupy the standing of an independent agency. I for one, Mr. President, support that position, that it should be subject to the review of the existing agencies rather than have the status of an independent agency.

Senator KURY. Mr. President, in other words, the amendments deal with whether or not the counsel for the Pennsylvania Higher Education Assistance Agency would be reviewed by the Attorney General as opposed to being selected by the Attorney General. I believe the gentleman from Lycoming, Senator Hager, would like to comment on that.

Senator HAGER. Mr. President, I would like to respond if I may. Under House Bill No. 962 as it presently is, the Pennsylvania Higher Education Assistance Agency would have a status of an independent agency but it would be subject to the Attorney General's general duty to represent them. They could always have their own counsel if they wish, but the Attorney General would have the power, would be the chief law officer of the Commonwealth.

If these amendments are approved, it would remove them entirely from the Attorney General's jurisdiction and they would have no responsibility to the Attorney General and no reason to answer to the Attorney General. It would create of them a separate island apart from government, far different from the

Governor or anyone else. It would put them out there with the Auditor General and the Treasurer and in our view, Mr. President, that is not where they should be.

Senator KURY. Mr. President, under the amendments, the work of the legal people retained by PHEAA would not be subject to intervention or review by the Attorney General. That is the point that is being objected to here.

Senator HAGER. Mr. President, perhaps we are saying the same thing. Under House Bill No. 962, they have the right to their own counsel, but they are subject to the supervision of the Attorney General's office. If these amendments go in, they remove them from the supervision of the Attorney General's office, makes them an island to themselves, far different from anybody except the Auditor General and the Treasurer's office. We think they are not a board which should have that kind of stature.

Senator DWYER. Mr. President, I would like to say a few words in behalf of the amendments. The Pennsylvania Higher Education Assistance Agency is in reality a branch of the Legislative Branch of government. Of its twenty board members, sixteen are members of the Pennsylvania Legislature, one member is the Secretary of Education, three members are appointed by the Governor and confirmed by the Senate. The General Assembly and the elected process is very much a part of the Pennsylvania Higher Education Assistance Agency, in fact sixteen of the twenty member board are elected officials.

The reason the Pennsylvania Higher Education Assistance Agency needs to have its own counsel and be independent is in the area of student loans. There are thousands, of course, of student loans throughout the nation and in this State which are defaulted. The Pennsylvania Higher Education Assistance Agency has one of the best records in the nature of pursuing loan defaults. In fact, we have been heralded in the nation. We have been heralded in articles in such papers as the New York Times, as an example of a Higher Education Assistance Agency that really works, that is successful, that does what it is supposed to do in accordance with both State legislation and Federal legislation.

The problem will be that if the Attorney General becomes responsible for PHEAA's litigation, what is going to happen to all of these loan defaults? What priority would an Attorney General with all his other massive duties put on going after loan defaults? I do not think it would be as high a priority as many other items before him. I do not think it would be as high a priority as PHEAA currently puts on the pursuit of defaulted loans and would be able to continue to put on in pursuit of defaulted loans if it did have its own counsel, its own independent counsel.

I am afraid the agency programs will suffer, Mr. President. I am afraid the credibility of student loan and grant programs will suffer if we do not continue to show to the public that we are being accountable and are pursuing our public funds which are owed to the Pennsylvania Higher Education Assistance Agency and, of course, the Federal Government. Therefore, Mr. President, I would urge a favorable consideration of these amendments.

Senator KELLEY. Mr. President, I desire to interrogate the

gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator KELLEY. Mr. President, as I understand the argument made by the gentleman for an affirmative vote, it is for PHEAA to be independent, is that correct?

Senator DWYER. Mr. President, yes, because of the particular responsibility that PHEAA has in its relationship with both the Federal Government and the State Government in pursuing long defaults. I am just afraid that that job would not be diligently done if it could not be done by PHEAA itself.

Senator KELLEY. Mr. President, I would direct the gentleman's attention to House Bill No. 962, page 3, where it defines independent agencies and in the litany thereof is PHEAA listed? I would believe, therefore, that if the gentleman from Crawford, Senator Dwyer, wishes PHEAA to be independent as an agency and have their own counsel, the gentleman would advocate a negative vote because the amendments are to strike out from the listing as an independent agency PHEAA. Mr. President, I, therefore, would invite the gentleman to reconsider the position that maybe a negative vote is what the gentleman would be advocating in this case.

Senator DWYER. Mr. President, not at all. What I am advocating is that PHEAA be permitted to continue its current role in pursuing student loan defaults. That is the entire intention of it. What the gentleman from Westmoreland, Senator Kelley, says is correct to an extent but as I understand it, it would still put PHEAA's litigation under the Attorney General. This, as I said, I am afraid will hurt the pursuit of student loans. We need to have independent litigation powers so that we can continue our excellent record of providing credibility to the student loan program by pursuing defaults.

Senator KELLEY. Mr. President, I would have some reservation about that opinion because listed there is the Pennsylvania Turnpike Commission, along with the Fish Commission, the Game Commission, a number of other independent commissions, and I would believe that they certainly have been retaining their own counsel just as PHEAA would be able to do under the present status of the bill without the amendments. I would believe that PHEAA would be able to operate independently with not only the advice but their pursuit of litigation.

Senator COPPERSMITH. Mr. President, I rise to oppose these amendments. The arguments from the gentleman from Crawford, Senator Dwyer, really indicate why we should oppose this bill.

Mr. President, any agency that is independent can come in and say, "We are doing a great job and by cracky we ought to have our own law office," and we end up with thirty or forty different separate law offices, each claiming they are doing such a wonderful job, that the Attorney General will be doing a bad job. I think that this will lead to gross inefficiency, it is counterproductive to the whole theory of trying to centralize certain things and do them economically. For that reason, Mr. President, I am opposed to these amendments.

Senator DWYER. Mr. President, first I would respond to the

last comments of the gentleman from Westmoreland, Senator Kelley.

Mr. President, as I understand House Bill No. 962, there are different levels of agencies. There are the independent agencies to which the gentleman refers and then there is another level of agencies which have greater independence. That is what these amendments seek to do. It is to put the Pennsylvania Higher Education Assistance Agency in that category or in that level of agencies which have the greatest amount of independence, not the lower level of independence, to which the agencies the gentleman referred currently are listed in the bill.

Mr. President, in response to the gentleman from Cambria, Senator Coppersmith, I would state that PHEAA is an exception because of PHEAA's unique relationship, its unique responsibility to the Federal Government through the guaranteed loan supports which come to the Federal Government, which are administered by the Pennsylvania Higher Education Assistance Agency. This is a unique relationship of a State agency having responsibilities and obligations to the Federal Government and to Federal agencies. We have to fulfill these obligations and these responsibilities in order to continue to get the maximum amount of loans for our students, the maximum amount of credibility to our program. There are not thirty or forty other agencies that have the obligations and the responsibilities to the Federal Government that we do. If we do not have the independence to fulfill these obligations and responsibilities, our programs will suffer and the students of this State will suffer accordingly.

Therefore, Mr. President, I would urge an affirmative vote on the amendments.

Senator BELL. Mr. President, there are many of our State agencies that have Federal-State responsibility. For instance, the Department of Transportation, if they are building a 50-50 or 90-10 highway and somebody steals some of the equipment, I think there is a little bit of Federal jurisdiction in there.

Mr. President, I would like to answer the charge of the gentleman from Crawford, Senator Dwyer, that the Attorney General would not do as good a job as an appointed lawyer. I do not know who is going to be the Attorney General, but I do not think he is going to stop there because he will want to be re-elected, or maybe run for other office. I would rather have an elected official who has a responsibility to the people and who is up front subject to criticism than the attorney for PHEAA. I do not even know the attorney for PHEAA. As far as collecting small claims and making people pay back, that Attorney General can establish himself a subdivision of enforcement people and he will be responsible, as I said earlier, for everybody within his jurisdiction.

Mr. President, I think the Attorney General can do a lot better job than an appointed attorney.

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

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

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

O'PAKE AMENDMENTS

Senator O'PAKE offered the following amendments:

Amend Sec. 205, page 9, line 30 by striking out "STATE" and inserting: public
Amend Sec. 205, page 10, line 3 by striking out "STATE" and inserting: public

On the question,

Will the Senate agree to the amendments?

Senator O'PAKE. Mr. President, if I may briefly explain the amendments.

At the bottom of page 9, when we talk about the criminal jurisdiction of the Attorney General, under House Bill No. 962, that jurisdiction would be restricted to criminal charges against State officials or employees affecting the performance of their public duties. The proposed amendments change State officials to public officials.

Mr. President, the reason for the amendments, and here again I am citing Republicans in support of all my amendments tonight, and I would like to cite former Speaker of the House Kenneth Lee, who is now a member of the Pennsylvania Crime Commission, who told us two weeks ago, "I do not see how anyone can argue that the Attorney General should not have the power to preempt any other law enforcement agency in the Commonwealth." He pointed out that the present law which is maintained in the proposed new job description is wrong, because to make the system work the Attorney General has to take a local district attorney to court and prove that that local district attorney "abused his discretion" in failing to prosecute local public corruption.

Mr. President, if the Pennsylvania Crime Commission told us anything, I think it told us that public corruption is the handmaiden of organized criminal activity. They did not say corruption only at the State level, they said all corruption. In answer to specific questions, they suggested that it was local, State and Federal which permits organized crime to get a foothold in Pennsylvania and other States.

Mr. President, what I am suggesting is the Attorney General be no weaker than a local district attorney when it comes to the authority to investigate and prosecute local political corruption. I think one of the problems has been that local law enforcement has not had the resources or the interest in prosecuting local political corruption and if we are really interested in cleaning up, we ought to buy these amendments, they may get less votes than the other amendments, but I am offering them because I think it is right.

Senator KELLEY. Mr. President, I rise in opposition to the amendments.

I would like to suggest that this is an issue with which the task force wrestled extensively and the resolution is in the bill in its present form. One of the main reasons why the task force constructed the language as it is presently is because with elected district attorneys in the counties and, respectively, the dual kind of jurisdiction that the amendments would give,

would give the reasoning that the gentleman from Berks, Senator O'Pake, spoke in opposition to the amendments offered by the gentleman from Lycoming, Senator Hager, a few minutes ago and that was the duplication theory.

Mr. President, I would suggest that the inconsistency of the gentleman from Berks, Senator O'Pake, is no reason to support the amendments, but rather I suggest a negative vote.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative, and the amendments were defeated.

And the question recurring,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

SB 544 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILLS OVER IN ORDER

SB 443, 982, 988, 989, 990, 991, 992 and 1342 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 106 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination of The Honorable Harvey Bartle, III, as Attorney General.

This nomination was previously laid on the table September 23, 1980.

The Clerk read the nomination as follows:

ATTORNEY GENERAL

May 21, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Harvey Bartle, III, 100 West Moreland Avenue, Philadelphia 19118, Philadelphia County, Thirty-sixth Senatorial District, for appointment as Attorney General, to serve during the pleasure of the Governor, for a term ending on the third Tuesday of January, 1981, vice The Honorable Edward G. Biester, Jr., Esquire, Furlong, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator SCHAEFER. Mr. President, the confirmation of Harvey Bartle was the subject matter of one hearing over a two-day period by the Senate Committee on Judiciary. I attended that hearing and, in fact, presided over the first half of the meeting.

Without going into great detail, I believe I have an obligation to state my conclusions from those hearings and my reasons for why I am going to vote against Mr. Bartle. It is obvious to me, and I do not think there is much dispute over the facts of the situation.

It is a fact that Harvey Bartle was the Insurance Commissioner.

It is a fact that during his time as Insurance Commissioner he worked or worked with or was approached by a group known as People to People to assist them in the promotion of a tour to Europe. In fact, he signed some letters, two of which I saw and stated under oath that this was done at no public expense.

It is also a fact to which he agreed that in return for his assistance in this promotional effort, he would receive at least one, maybe two—he was not sure whether or not his wife was going, but then under extensive cross-examination I believe he indicated that his wife was not going—free trips. These trips had a market value of approximately \$2,600. That on its face, I guess, is not a problem, but I think if we look at who he was soliciting, we have a problem. The people who he was soliciting were executives for insurance companies, people who were directly regulated by his commission. He knew it. I find this disturbing, Mr. President.

I would like to share with my colleagues a letter that I received from the State Ethics Commission. It was not addressed to me but to one of our staff assistants and dated September 25th. It is addressed to Paul Dlugolecki who made this request of an opinion at my specific instructions.

“On September 25, 1980, you asked what the probable Commission advice would be to circumstances where, an official, responsible for regulating a group, contacts some of the persons regulated and gives them the opportunity to participate in a trip or conference and where the official could possibly receive something of value such as a free trip or conference registration.

“Section 3(a) of Act 170 states ‘No public official or public employee shall use the public office or any confidential information received through his holding public office to obtain financial gain other than compensation provided by law for himself, a member of his immediate family, or a business with which he is associated.’

“In addition, the purpose of the Act requires that it shall be liberally construed to promote complete disclosure.

“With these facts, the Commission would rule that the official should avoid the appearance of conflict by not participating in any solicitation for attendance on the trip or at the conference.”

Mr. President, I think two other points should be made. Number one, that the situation was not submitted to Mr. Bartle so I guess he did not have the benefit of this opinion, but it was submitted to Governor Thornburgh, who according to the terms of the letter sent out by Mr. Bartle, endorsed the project.

Mr. President, I am going to vote against Mr. Bartle because I am very concerned about the Senate putting its imprimatur, its seal of approval, its okay on this kind of conduct. I do not believe we should endorse a solicitation effort like this by one who is regulating an industry.

Senator GEKAS. Mr. President, I too attended the hearings and the meetings to which the gentleman from Allegheny, Senator Schaefer, alludes and I state for the record that there was not one iota of evidence presented that militated against the qualifications of Harvey Bartle to be the Attorney General of the Commonwealth of Pennsylvania.

The question of the trip ended with everyone, as the gentleman from Allegheny, Senator Schaefer, has stated, in agreement, in agreement that number one, he was extremely open and honest about the whole thing from beginning to end. Number two, that he had gotten the governmental, the imprimatur of the Governor's office, the go-ahead, the okay, for the trip. Most importantly of all, the trip never took place. There never was a penny spent on the trip, there never was a penny received on the basis of this trip that never came to be.

Mr. President, we have on the record an attempt to do a goodwill gesture on the part of then Commissioner Bartle on an approved world-wide, recognized type of project for an exchange of ideas and visits from one people to another. On a single hearing that was held last week and during the end of the hearing today, nothing came forth to show that the taxpayers have lost any money or that they were betrayed by any public official in any way.

When you stack against that, Mr. President, the fact that the Senators themselves who interrogated Harvey Bartle, both last week and this, were quick to commend his good service as an Insurance Commissioner and who were quick in other ways to hail his service as acting Attorney General and who know that he has worked diligently and strongly on every phase of the office which he seeks, then there leaves nothing on the record except a call to this Senate to approve his nomination.

Senator KELLEY. Mr. President, I strongly disagree with the gentleman from Dauphin, Senator Gekas. I do not know anyone who took any issue with the qualifications per se of Harvey Bartle III for Attorney General. What the hearings disclosed was really a question of prudence or the lack of prudence. I believe if we would look at the law that we passed, the Ethics Law of this Commonwealth when it talks about compensation being anything of value, when one studies the proposed but publicly announced ethics standards of the Governor and when one

knows the facts that were disclosed in the hearings, one would have to raise serious questions of the prudent judgment of the gentleman who is nominated for Attorney General.

Mr. President, the trip did not take place. No one said it did. Of course, Mr. Bartle was open. Of course, he asked the Governor and he wrote in the letter saying that the Governor endorsed the trip. The most sensitive office of appointment in this Commonwealth is the Attorney General. I think a very serious question is for this Senate to confirm whenever the serious question of prudence of the nominee is in question. Mr. President, I happen to believe it is of serious concern for all of us not only here, but also the citizens of this Commonwealth, and I am a little bit surprised at the Governor, quite surprised at the Governor, for a man who made his reputation publicly by going and prosecuting public officials because of extortion, on the very arguments to the juries where he said because of the public office that these people held and asked for money and contributions to support a political party, that is the heart and breath of this nation and that man found extortion was persuasive to the jury. He made his reputation on it and today he stands behind a person who was his appointee, who in his public office of appointment wrote to the leading commissioner of personnel, the people he was regulating, and asked and invited them to go on a tour of which he was the tour master, the tour guide.

Mr. President, if that is not a serious question of ethical practice, I do not know what it is. It is immaterial the trip did not take place, but it is very important that the trip did not take place because Mr. Bartle left the Insurance Commission and the trip was cancelled—proof that you see that the insurance personnel who were going, the persons with the companies to which about 700 invitations were sent, that they cancelled out when Mr. Bartle was no longer going.

Mr. President, on this floor I have heard, in the hearings I heard, everyone was hiding behind the skirts of a great idea of President Eisenhower on People to People. But no one wanted to get into the depth, because the People to People Program was not the one who was sponsoring this, it was only the concept that was supported, private enterprise, People to People Travel, which was an arm of the travel agency in Kansas that was underwriting it and admittedly you see that the benefit was derived because of the contributions and the people going. Over \$10,000 were received in checks which Mr. Bartle endorsed personally over to the travel agency.

Mr. President, I think Mr. Bartle is a competent man. I regret that I have to take the floor. I feel this way and I feel it is my duty. I have to say, however, because it is the most important and sensitive office of appointment in this Commonwealth government, a serious question has been raised about the prudent judgment or lack thereof in that position of regulatory control inviting the top people in the insurance industry in this Commonwealth of which he was prevailing in singular judgment of ruling and licensing and he was to get the benefit of a free trip. That, Mr. President, is very serious.

I do not treat it lightly. Like some people have said, it is much to do about nothing. I am surprised that the Governor did not make a recall and allow us to explore it because my position is

that to him I do not think it is right that we would have to reject a nomination like that because he is an able young man, but I think the Governor does a disservice to himself, the Governor, he does a disservice to Harvey Bartle, III, he does a disservice to us and the people of this Commonwealth by insisting on his nomination. I regret it, but the facts are the facts, the law is the law and imprudence is imprudence. That, too, is part of our judgment upon confirmation of a nominee of the Governor.

Mr. President, I reluctantly, but because of the facts and the law and imprudence, find myself necessary to cast a negative vote and invite my colleagues to do likewise.

Senator BELL. Mr. President, when I read the story in the newspapers, I thought to myself that this is something that should not have been done. Of course, hindsight is awfully easy. It is awfully easy to judge somebody else. I did not know how I was going to vote today. I just happened to check the fact that this appointment was sent over here in May. I do not know how many days before that Mr. Bartle was in the job as the acting Attorney General.

What has been his performance in the past four months? I was very, very proud of Mr. Bartle when I heard Friday a week ago his announcement of how the Special Investigating Grand Jury, which was conducted from his office, had broken wide open the 666 scandal and how he had coordinated with the law enforcement agency to follow that thin line of evidence and bring out and expose what had been street rumor and what had been denied by another Cabinet member.

Recently, I did a little research on the Special Investigating Grand Jury because I followed that very carefully. When I was the Chairman of the Committee on Judiciary some ten years ago, we were working on that concept. I am proud of the fact that the Investigating Grand Jury in Pennsylvania today is doing an awful lot to combat organized crime, to restore respectability to government, to handle white collar crime. That Grand Jury is still sitting and it meets every week and it is doing a terrific job. The man at the helm since May has been this Mr. Bartle. As I say, Mr. President, I do not condone what he did as Insurance Commissioner, but I am damn proud of him as the Attorney General conducting this Grand Jury.

Senator SNYDER. Mr. President, not to prolong this, but I, too, sat through both days in which this matter came up and I found it very hard to view it as seriously as some of my colleagues.

It is true that the Commissioner undertook to arrange this People to People trip but this is in conformity with a long tradition, the Eisenhower Administration encouraged this and five Presidents since that time have spoken out in favor of it. I think if the Insurance Commissioner found coming over his desk some material relating to this, he would have been somewhat remiss if he had not explored the matter.

Mr. President, the point was made that this would have been a free trip for him, but as the gentleman from Crawford, Senator Dwyer, pointed out in the hearing, the gentleman himself has had some experience in this field and the gentleman says being the head of any delegation like this is no great bargain. Until you are through fussing with the lost luggage and the people that get sick and everything else, that is a responsibility

and definitely not a vacation.

Mr. President, I believe the point was made by one of the Senators that a travel agency arranged this. I cannot imagine anybody else doing it very efficiently and certainly that was in order.

Finally, Mr. President, the matter of ethics came up and the fact that there is a letter from the Ethics Commission, but as General Bartle pointed out today at the hearing, he had no advance knowledge of that, no chance to be represented and the matter was an ex parte matter completely.

I think, Mr. President, all things considered, this has received a great deal more attention than it deserves and I would urge a vote for the General.

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

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

YEAS—41

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

NAYS—7

Bodack,	Lloyd,	Reibman,	Zemprelli,
Kelley,	Messinger,	Schaefer,	

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator ZEMPRELLI. Mr. President, for the information of the Senate, the hour is extremely late and we have endeavored in the past to always recess prior to 8:00 in the evening, and I see no reason why we should not strike at that guideline as closely as possible.

Mr. President, it is the intention of the Majority to call several bills that require our consideration this evening. They are noncontroversial as I understand it. It would also be the intention of the Majority to call a recessed meeting of the Committee on Rules and Executive Nominations for the purpose of reporting out one nominee that flies in the face of possible time constraints and at that time, Mr. President, to ask the Chair to consider recessing the Senate until tomorrow at 12:00 Noon.

Mr. President, therefore, I would ask the Chair to announce to the Senate that there will be an immediate meeting of the Committee on Rules and Executive Nominations in the Rules Committee room for the consideration of one of the Governor's nominees. I would ask the gentleman from Cambria, Senator Coppersmith, to chair that meeting for me with the hope that we may proceed to clear up those matters on the Calendar that are necessary.

Senator HAGER. Mr. President, I would assume that the gentleman from Allegheny, Senator Zemprelli, can exercise legislative leave for those Members who are in the meeting and go ahead and vote them on noncontroversial matters.

Senator KELLEY. Mr. President, I will object to any legislative leaves for anybody at the committee meeting while votes are being taken.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SPECIAL ORDER OF BUSINESS

HB 34 CALLED UP OUT OF ORDER

HB 34 (Pr. No. 3948) — Without objection, the bill was called up out of order, from page 13 of the Third Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 34 (Pr. No. 3948) — 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—45

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

NAYS—3

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

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

SB 1526 CALLED UP OUT OF ORDER

SB 1526 (Pr. No. 2112) — Without objection, the bill was called up out of order, from page 15 of the Third Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 1526 (Pr. No. 2112) — Considered the third time,

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

Amend Sec. 8, page 4, line 22, by inserting after "PROJECT.": Order of and assignment to berth and removal of vehicles at both facilities shall not deny access by all practicable rail users.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator HAGER.

SB 262 CALLED UP OUT OF ORDER

SB 262 (Pr. No. 1968) — Without objection, the bill was called up out of order, from page 13 of the Third Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

SB 262 (Pr. No. 1968) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

SB 439 CALLED UP OUT OF ORDER

SB 439 (Pr. No. 2092) — Without objection, the bill was called up out of order, from page 16 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

SB 439 (Pr. No. 2092) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

SB 1419 CALLED UP OUT OF ORDER

SB 1419 (Pr. No. 1809) — Without objection, the bill was called up out of order, from page 19 of the Second Consideration

Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

SB 1419 (Pr. No. 1809) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

HB 1834 CALLED UP OUT OF ORDER

HB 1834 (Pr. No. 2257) — Without objection, the bill was called up out of order, from page 21 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

HB 1834 (Pr. No. 2257) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

HB 2176 CALLED UP OUT OF ORDER

HB 2176 (Pr. No. 3652) — With objection, the bill was called up out of order, from page 22 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

HB 2176 (Pr. No. 3652) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

HB 2109 CALLED UP OUT OF ORDER

HB 2109 (Pr. No. 3705) — Without objection, the bill was called up out of order, from page 22 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL REREFERRED

HB 2109 (Pr. No. 3705) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Law and Justice.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

May 21, 1980.

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

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

for the advice and consent of the Senate The Reverend Doctor Horace S. Sills (public member), 405 Park Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, pursuant to Act 292, approved November 26, 1978, to serve until August 31, 1985, or until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

NOMINATION LAID ON THE TABLE

Senator ZEMPRELLI. Mr. President, I request this nomination be laid on the table.

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

RECESS

Senator ZEMPRELLI. Mr. President, I would move the Chair to recess the Session until 12:00 Noon tomorrow, September 30, 1980.

The PRESIDENT. If there is no objection, the Senate will recess to the call of the Chair with the intention of returning at 12:00 Noon, Tuesday, September 30. The Senate is in recess.

AFTER RECESS

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

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

SENATOR SCANLON TO VOTE FOR SENATOR STOUT, SENATOR O'PAKE AND SENATOR MESSINGER

Senator SCANLON. Mr. President, I would request a temporary legislative leave of absence for Senator Stout and Senator O'Pake and a legislative leave of absence for the entire day for Senator Messinger.

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

THIRD CONSIDERATION CALENDAR RESUMED NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1244 (Pr. No. 1545) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, the remarks that I have to make at this time will apply to all of the nonpreferred appropriation bills which we are going to consider in this Session today and do not apply directly just to the single bill before us.

I think the record should clearly show so there is no misunderstanding on the part of anyone that in considering these nonpreferred appropriation bills before us today that we do so in the full knowledge that the money to fund them is not avail-

able at this time and that in doing so, we are merely trying to expedite the process of government so that if and when the money becomes available, as we hope and expect it will, that the appropriations can be made and there will be no slowdown and problems for those who are the beneficiaries of these appropriations.

We have two problems before us in this regard, Mr. President. Number one, of course, is the fact that before these bills can be implemented and signed into law, it will be necessary for us to enact Senate Bill No. 489, as amended, which will give the Administration the opportunity to open the budget estimates so that the revisions would be able to be made and the monies would become available.

Of course, coupled with that process is the understanding that the Commonwealth is presently in court on the issue of the increase in the prices of the products carried in the State store system and we must recognize and we do recognize that the full implementation of the legislation we are going to consider at this time is contingent upon a favorable court decision and the passage of Senate Bill No. 489, as amended.

Senator BELL. Mr. President, we are voting on the nonpreferred appropriation bills at a time when throughout the Commonwealth there is a great fiscal problem concerning Act 148 money. In my own county, the services to children and youth according to the County Council people has been cut back by some thirty-one per cent due to the nonavailability of State money.

We also have the problem where the Governor vetoed money for special education and I hope we have an opportunity to try to override that veto. To me, children and youth services, special education for the handicapped and the other children that require that service have real top priority.

Mr. President, I am going to vote for the nonpreferreds even though some of these to me have low priority, with the sincere hope that we put these problems over into the Governor's lap and he has all the qualified people and maybe he can come up with a better solution. Maybe we can find more tax money, although I doubt it. I also think we are laying the stage where come the next Session of the Legislature, there are going to have to be some new taxes levied. This is a very serious problem, Mr. President, and I want to make it very clear that my voting for these nonpreferreds in no way detracts from my public statements that the top priorities for State money should be for people like those going through special education and those young people who are being denied absolutely essential services under Act 148.

Senator HAGER. Mr. President, I just have a short statement. As this Chamber very well knows, I have an awful lot of difficulty with a number of the special nonpreferred appropriations. I see we are continuing to add new ones today with one new one now for the Everhart Museum in Scranton getting \$25,000. It seems to be non-ending, this addition of more and more of these things.

Mr. President, I shall be voting "no" on all of those for all of the old purposes and all of the old reasons. It is my hope that one day we may be able to deal with these in one appropriation and perhaps the public will stop relying upon politicians look-

ing for nice things to do for their district which all the rest of this Commonwealth ends up paying for.

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—43

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

NAYS—2

Gekas, Hager,

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

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

SB 1269 (Pr. No. 1574)—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—44

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

NAYS—2

Gekas, Hager,

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

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

SB 1420 (Pr. No. 1810) — 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—42

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

NAYS—5

Gekas, Kelley, Price, Snyder,

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

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

SB 1422 (Pr. No. 1813) — 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—44

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

NAYS—3

Gekas, Hager, Price,

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

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

SB 1426 (Pr. No. 1829) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

YEAS—44

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

NAYS—3

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

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

SB 1431 (Pr. No. 1838) — 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:

YES—44

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

NAYS—3

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

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

SB 1476 (Pr. No. 1920) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally,

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

YEAS—45

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

NAYS—2

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

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

SB 1479 (Pr. No. 1940) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

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

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

SB 1488 (Pr. No. 1964) — 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—41

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

NAYS—7

Gekas,	Hopper,	Kusse,	Snyder,
Hager,	Kelley,	Price,	

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

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

SB 1531 (Pr. No. 2040) — 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—43

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

NAYS—5

Hager,	Kelley,	Kusse,	Price,
Hopper,			

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

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

SB 1532 (Pr. No. 2041) — Considered the third time and agreed to,

Shall the bill pass finally?

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

YEAS—43

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

NAYS—5

Hager,	Kelley,	Kusse,	Price,
Hopper,			

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

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

SB 1533 (Pr. No. 2042)—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—43

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

NAYS—5

Hager,	Kelley,	Kusse,	Price,
Hopper,			

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

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

SB 1534 (Pr. No. 2043) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—40

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

NAYS—8

Hager,	Hopper,	Kusse,	Price,
Hess,	Kelley,	Moore,	Snyder,

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

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

SB 1535 (Pr. No. 2044) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

Senator **SMITH**. I will, Mr. President.

Senator **KELLEY**. Mr. President, would the gentleman explain the General Assembly having passed previously a sum of money? Is this supplemental to the earlier appropriation or is there language in there that would put this as a substitute thereof or what?

Senator **SMITH**. Yes, Mr. President. What this really does is it reenacts the appropriation bills that were passed by the Senate and, second, it appeals prior to October Act 31-A and, third, it would provide any payments made under Act 31-A will be charged against Senate Bill No. 1535.

Mr. President, it is simply an appropriation that we enacted previously.

Senator **KELLEY**. Mr. President, I would ask for a slow roll call. We are dealing with a substantial amount of money to be appropriated and would ask for a slow roll call.

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

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

NAYS—0

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

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

SB 1536 (Pr. No. 2045) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1537 (Pr. No. 2046) — 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,
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Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

GUEST OF SENATOR FRANK J. O'CONNELL PRESENTED TO SENATE

Senator O'CONNELL. Mr. President, it is my privilege to introduce to the Members of the Senate a very distinguished Pennsylvanian, former Member of the House of Representatives, former Secretary of Revenue and now Pike County Commissioner, Warner M. Depuy. Would you please treat him with the Senate's usual warm welcome?

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1538 (Pr. No. 2047) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1539 (Pr. No. 2048) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1540 (Pr. No. 2049) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1541 (Pr. No. 2050) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1542 (Pr. No. 2051) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1543 (Pr. No. 2052) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1544 (Pr. No. 2053) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1545 (Pr. No. 2054) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1546 (Pr. No. 2055) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1547 (Pr. No. 2056) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1548 (Pr. No. 2057) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1549 (Pr. No. 2058) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

Hager, Kelley, Kusse,

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

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

SB 1550 (Pr. No. 2059) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

Hager, Kelley, Price,

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

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

SB 1551 (Pr. No. 2060) — 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—46

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

NAYS—2

Hager, Price,

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

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

SB 1552 (Pr. No. 2108) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1553 (Pr. No. 2062) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1554 (Pr. No. 2063) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1555 (Pr. No. 2064) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1556 (Pr. No. 2065) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1557 (Pr. No. 2066) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1558 (Pr. No. 2067) — 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—46

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

NAYS—2

Hager, Kelley,

A constitutional two-thirds majority of all the Senators hav-

ing voted "aye," the question was determined in the affirmative.

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

SB 1559 (Pr. No. 2068) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

Hager, Kelley, Kusse,

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

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

SB 1560 (Pr. No. 2069) — 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 Constitution and were as follows, viz:

YEAS—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1561 (Pr. No. 2070) — 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 Constitution and were as follows, viz:

YEAS—47

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

NAYS—1

Hager,

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

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

SB 1562 (Pr. No. 2071) — 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 Constitution and were as follows, viz:

YEAS—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1563 (Pr. No. 2072) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1564 (Pr. No. 2073) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1565 (Pr. No. 2074) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1566 (Pr. No. 2075) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

A constitutional two-thirds majority of all the Senators hav-

ing voted "aye," the question was determined in the affirmative.

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

SB 1567 (Pr. No. 2076) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—3

Hager, Kelley, Kusse,

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

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

SB 1568 (Pr. No. 2077) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Hager,

A constitutional two-thirds majority of all the Senators hav-

ing voted "aye," the question was determined in the affirmative.

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

SB 1569 (Pr. No. 2078) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1570 (Pr. No. 2079) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

A constitutional two-thirds majority of all the Senators hav-

ing voted "aye," the question was determined in the affirmative.

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

SB 1571 (Pr. No. 2080) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1572 (Pr. No. 2081) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1573 (Pr. No. 2082) — 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—46

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

NAYS—2

Kelley, Kusse,

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

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

SB 1574 (Pr. No. 2083) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1575 (Pr. No. 2084) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1576 (Pr. No. 2085) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

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

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

SB 1577 (Pr. No. 2086) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1578 (Pr. No. 2087) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1579 (Pr. No. 2088) — 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—46

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

NAYS—2

Hager, Kelley,

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

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

SB 1580 (Pr. No. 2089) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Hager,

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

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

SB 1581 (Pr. No. 2090) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Hager,

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

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

SB 1582 (Pr. No. 2091) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Hager,

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

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

HB 2645 (Pr. No. 3904) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—2

Hager, Price,

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

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

HB 2678 (Pr. No. 3547) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Kelley,

A constitutional two-thirds 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.

STATEMENT BY MINORITY LEADER

Senator HAGER. Mr. President, I just wanted to point out to the Members that today we have voted sixteen brand new appropriations that have never passed this Senate before this

year. Sixteen new ones, the smallest of which is \$25,000, the largest one of which is over \$100,000. We are not getting better, we are getting worse.

SPECIAL ORDER OF BUSINESS

SB 1509 CALLED UP OUT OF ORDER

SB 1509 (Pr. No. 2000) — Without objection, the bill was called up out of order, from page 20 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON SECOND CONSIDERATION

SB 1509 (Pr. No. 2000) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1574 CALLED UP OUT OF ORDER

HB 1574 (Pr. No. 2516) — Without objection, the bill was called up out of order, from page 20 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON SECOND CONSIDERATION

HB 1574 (Pr. No. 2516) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 2044 CALLED UP OUT OF ORDER

HB 2044 (Pr. No. 3882) — Without objection, the bill was called up out of order, from page 22 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILL ON SECOND CONSIDERATION

HB 2044 (Pr. No. 3882) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

HB 1048 CALLED UP OUT OF ORDER

HB 1048 (Pr. No. 3887) — Without objection, the bill was called up out of order, from page 17 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION AMENDED

HB 1048 (Pr. No. 3887) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SMITH offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 5, by inserting after "thereto," : further providing for intermediate directors and

Amend Bill, page 1, lines 9 and 10, by striking out both of said lines and inserting:

Section 1. Subsection (a) of section 910-A, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," amended April 6, 1980 (No. 30), is amended to read:

Section 910-A. Intermediate Unit Board of Directors.—(a) The intermediate unit board of directors shall be composed of thirteen members except as otherwise provided for in this subsection, chosen for terms of three years from among members of the boards of school directors of school districts comprising the intermediate unit. An intermediate unit director may succeed himself without limitation as to the number of terms. [At no time shall more than one director from any school district be elected to an intermediate unit board of directors.] Where there are fewer than thirteen school districts within an intermediate unit, there shall be one school director from each school district elected to the intermediate unit board of directors, but any such intermediate unit board of directors may elect one additional at-large member.

When there are more than thirteen districts in an intermediate unit each district, as far as practicable, may have one member on the unit board, up to a maximum of twenty members. The election of intermediate unit boards of directors shall be by proportionate ballot, and each school director of each school district within an intermediate unit shall be entitled to cast votes determined by dividing the weighted average daily membership of the school district by the total weighted average daily membership within the intermediate unit, multiplying the quotient so obtained by one thousand, dividing the product so obtained by the number of directors as provided for above, and rounding such dividend to the nearest whole number: Provided, however, That each school director shall have at least one vote. the Secretary of Education shall annually, not later than the first day of February, certify the weighted average daily membership for the previous school year for each school district and for each intermediate unit, and shall compute the number of votes to which each school director of each school district within an intermediate unit shall be entitled.

Section 2. Section 2131 of the act, amended

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

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

Amend Sec. 4, page 4, line 6, by striking out "4. This" and inserting: 5. Section 1 of this act shall take effect immediately and the remainder of this

Amend Sec. 4, page 4, line 7, by striking out "1979 to June 30, 1980" and inserting: 1980 to June 30, 1981

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

Senator SCANLON offered the following amendments:

Amend Title, page 1, line 5, by inserting after "thereto," : further providing for the classification of school districts and

Amend Bill, page 1, lines 9 and 10, by striking out both of said lines and inserting:

Section 1. Section 202, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," amended August 8, 1963 (P. L. 654, No. 299), is amended to read:

Section 202. Classification.—The several school districts of the Commonwealth are hereby divided into five classes, as follows:

Each school district having a population of one million five hundred thousand (1,500,000), or more, shall be a school district of the first class;

Each school district having a population of [five hundred thousand (500,000)] three hundred fifty thousand (350,000), or more, but of less than one million five hundred thousand (1,500,000), shall be a school district of the first class A;

Each school district having a population of thirty thousand (30,000), or more, but of less than [five hundred thousand (500,000)] three hundred fifty thousand (350,000), shall be a school district of the second class;

Each school district having a population of five thousand (5,000), or more, but of less than thirty thousand (30,000), shall be a school district of the third class.

Each school district having a population of less than five thousand (5,000) shall be a school district of the fourth class.

Section 2. Section 2131 of the act, amended Amend Sec. 2, page 2, line 4, by striking out "2" and inserting: 3

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

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

Amend Sec. 4, page 4, line 6, by inserting a period after "days"

Amend Sec. 4, page 4, lines 6 through 8, by striking out "and" in line 6, both of lines 7 and 8 and inserting:

(b) Sections 2, 3 and 4 of this act shall apply to the fiscal year July 1, 1979 to June 30, 1980 and to each fiscal year thereafter.

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be transcribed for a third consideration.

HB 1842 CALLED UP OUT OF ORDER

HB 1842 (Pr. No. 2268) — Without objection, the bill was called up out of order, from page 15 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1842 (Pr. No. 2268) — 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,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Gekas,	Kusse,	O'Pake,	Stauffer,
Greenleaf,	Lewis,	Orlando,	Stout,
Gurzenda,	Lincoln,	Pecora,	Tilghman,
Hager,	Lloyd,	Price,	Zemprelli,

NAYS—0

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

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

SB 1092 CALLED UP OUT OF ORDER

SB 1092 (Pr. No. 1944) — Without objection, the bill was called up out of order, from page 14 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

SB 1092 (Pr. No. 1944) — Considered the third time,

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

Amend Sec. 10 (Sec. 301), page 8, line 9, by striking out "FIFTY" and inserting: thirty

Amend Sec. 10 (Sec. 301), page 8, by inserting between lines 15 and 16:

(1) This credit shall be taken only once in regard to any individual employe, but may be taken for any tax year up to five years from the date of employment of the employe.

(2) The total tax credit for any individual employe shall not exceed three thousand dollars (\$3,000).

(3) No tax credit shall be allowed unless the employe represents an addition to the employer's Pennsylvania base level work force, which is defined as the average number of employes located in Pennsylvania for which Federal Unemployment Tax was paid by the employer during the tax year immediately prior to the year of employment, or represents a replacement in the Pennsylvania base level work force of that employer if a previous employe left his or her position voluntarily.

(4) No credit shall be allowed unless the employe has been retained by the employer for at least one year prior to the claim for credit. If the employe leaves his position voluntarily in less than one year, the thirty per cent credit shall apply only to the wages paid up to time the employe voluntarily leaves his position.

Amend Sec. 10 (Sec. 302), page 9, line 20, by striking out "FIFTY" and inserting: thirty

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

Senator PRICE. Mr. President, these amendments clarify on page 8 of the Senate Bill No. 1092, the paragraph B beginning at line 2 and ending on line 15 by reducing the tax credit from fifty per cent to thirty per cent and putting in some other restrictive language which would make sure that the existing employees would not be displaced as a result of this jobs hiring tax credit program.

Mr. President, I believe the amendments have been agreed to with one modification which I have indicated.

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

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

Senator PRICE. I will, Mr. President.

Senator KELLEY. Mr. President, I am not aware of the amendments. I wonder, is there any time element for a need for this to be considered now or could it be on the table so that we could caucus on this?

Senator PRICE. Mr. President, I was only aware that there had been an agreement. If that is not the case, of course, the matter could be discussed and should be.

MOTION TO LAY BILL ON THE TABLE

Senator KELLEY. Mr. President, I would move that Senate Bill No. 1092 with the pending amendments be placed on the table.

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

GUESTS OF SENATOR JEANETTE F. REIBMAN PRESENTED TO SENATE

Senator REIBMAN. Mr. President, I have the distinct pleasure of presenting to my colleagues today a group of senior citizens from the Slate Belt area in Northampton County under the leadership of Mrs. Sigafos, who have come here today to have a real visit of the Capitol of the Keystone State.

Mr. President, I would like the Senate to extend to them their usual warm greetings.

The PRESIDENT. Would our guests from the Slate Belt kindly rise so the Senate may give you its traditional warm welcome?

(Applause.)

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

MOTION WITHDRAWN

Senator KELLEY. Mr. President, I withdraw my motion to lay Senate Bill No. 1092 on the table.

The PRESIDENT. Senator Kelley withdraws his motion to lay Senate Bill No. 1092 on the table.

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

They were agreed to.

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

REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator ZEMPRELLI.

UNFINISHED BUSINESS

SENATE RESOLUTION

URGING DEPARTMENT OF PUBLIC WELFARE EXPEDITE REIMBURSEMENT CLAIMS FOR PHARMACISTS PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM

Senators STAPLETON, LLOYD, SCANLON, ZEMPRELLI, ROMANELLI, LINCOLN, O'PAKE, LYNCH, KURY, MELLOW, PECORA, LOEPER, EARLY, REIBMAN and SCHAEFER offered the following resolution (Serial No. 115), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, September 29, 1980.

WHEREAS, The Pennsylvania Department of Public Welfare in July, 1980, has initiated a computerized system to reimburse pharmacists in Pennsylvania who fill prescriptions for medical assistance recipients; and

WHEREAS, The pharmacists participating in the program have incurred a financial hardship in obtaining reimbursement for the services provided in filling medical assistance prescriptions in a timely and responsible manner; and

WHEREAS, The pharmacists participating in the program currently are experiencing a cash flow loss totaling thousands of dollars due to the ineffectiveness of the prescription reimbursement program; and

WHEREAS, There appears to be a lack of effective communication between the State Welfare Department, the local county assistance offices and the pharmacists in fulfilling the requirements of the welfare prescription reimbursement program; and

WHEREAS, State Welfare Department reimbursement for prescriptions filled through the program now totals \$2.25 per prescription, one of the lowest reimbursement rates in the country; and

WHEREAS, The financial crisis which confronts the participating pharmacists has led to the forced withdrawal of many pharmacists from the program; and

WHEREAS, Many citizens of the Commonwealth who currently utilize the medical assistance prescription program could be without the benefits of this service if a mass pharmacist withdrawal occurs within the program; and

WHEREAS, The continued implementation of the program in an effective manner is essential to the health and welfare of many citizens of the Commonwealth, including those who need life sustaining drugs for survival; therefore be it

RESOLVED, That the Senate of Pennsylvania calls upon the Department of Public Welfare to expedite reimbursement claims for pharmacists participating in the medical assistance program; and be it further

RESOLVED, That the Senate of Pennsylvania urges the Department of Public Welfare to reimburse 85% of all outstanding claims in the program, including those categorized as pending, within 30 days of the date this resolution is adopted; and be it further

RESOLVED, That the remainder of the outstanding claims be subject to existing audit guidelines instituted under the Department of Public Welfare's new reimbursement program; and be it further

RESOLVED, That 90% of all future claims filed by pharmacists participating within the medical assistance program be resolved within 30 days of the submission of the claim; and be it further

RESOLVED, That the Department of Public Welfare reimburse pharmacists for filling welfare prescriptions at the rate of \$3 per prescription, as opposed to the existing rate of \$2.25.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to St. Paul's Lutheran Church of Port Carbon by Senator Gurzenda.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Orth, Mr. and Mrs. Harry Henenski, Mr. and Mrs. Vincent LeDonne, Mr. and Mrs. Arenzo Smith, Dr. and Mrs. George Napoli, Mr. and Mrs. John Feigel and to the Polish National Alliance by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Hoffman by Senators Early and Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Leo Neugebauer, Mr. and Mrs. Peter Sling, Mr. and Mrs. Martin J. Loscar and to Mr. and Mrs. Clarence Sarver by Senator Early.

Congratulations of the Senate were extended to Robert Muller by Senator Mellow.

Congratulations of the Senate were extended to Mrs. Ida M. Sheffar, Florence Radaker, Mr. and Mrs. H. Roy Millen, Mr. and Mrs. Harold J. Myers and to Mr. and Mrs. Archie M. Smith by Senator Stapleton.

Congratulations of the Senate were extended to the Davis Specials Gospel Group by Senator Hankins.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Luzier, Mr. and Mrs. M. S. McDowell, Jr. and to Mr. and Mrs. William A. Lockett by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. J. Clifford Biesecker by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Wesley T. Zimmerman, Mr. and Mrs. Alfred Cobucci, Mr. and Mrs. John Dagsher, Mr. and Mrs. Joseph Shvarek, Mr. and Mrs. James C. Harton, Mr. and Mrs. Edwin Crowl, Mr. and Mrs. Wilbur C. Watkins and to Mr. and Mrs. Earl Gump by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Filomena Graziosi, Mr. and Mrs. Fred H. Isenberg, Mr. and Mrs. Raymond M. Coulter and to Mr. and Mrs. George Martin Gump by Senator Jubelirer.

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 381, HB 419, 2255, 2667 and 2893.

And said bills having been considered for the first time,

Ordered, To be laid aside for second consideration.

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, on Saturday morning in the Inquirer I read there is an organized group stripping guardrail from our State highways in New Jersey. That same morning I went to Interstate 95 in Delaware County and found that a lot of the guardrail had been stripped. I called the State Police and got them into it. The next day I went to a Teamsters meeting and asked the Teamsters who are driving the big rigs as they go down our highways, if they see anyone stripping guardrail, to call a base station and get them to call the police.

Mr. President, in the morning Inquirer there is an article stating there are some 1500 feet of critical guardrails that have been stripped from Delaware County alone. Now this is the type of guardrail that are on bridges going over streams or other streets and they have in one place stripped not only the guardrail but the brackets, so there is no guardrail on this overpass over a critical highway. Not only is this dangerous, but the thieves apparently get about sixty cents a foot for scrap. I just checked with PennDOT and it cost us \$80 a foot to replace it. \$80 times 1500 feet means a lot of money, it means \$120,000 just in one county. The reason I am saying this, Mr. President, I am going to ask the other Senators to go back into their home districts and call on the citizens, the citizens of this Commonwealth, that when they see a truck taking down guardrail, that they use a CB radio and call the police. This thing has to stop.

Again, Mr. President, I would like my fellow Senators to go through and alert the citizens of this Commonwealth that this is happening in Delaware County today, it can happen in their county tomorrow, and it is all done in daylight hours on our main interstate highways. Be specific, these are those pipe-like guardrails that is a new construction on every new State highway bridge or overpass in Pennsylvania.

Senator HAGER. Mr. President, we do not have any of those up in my poor district.

REPUBLICAN CAUCUS

Senator HAGER. Mr. President, when we adjourn today, I would like to ask the Republican Members to come immediately to their caucus room because we have a very distinguished visitor who cannot be here for very long. If everybody would come immediately, I promise you a tall story.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2080, 2402, 2580 and 2582**, which were referred to the Committee on Environmental Resources.

He also presented for concurrence **HB 2364**, which was referred to the Committee on Local Government.

He also presented for concurrence **HB 2271**, which was referred to the Committee on Professional Licensure.

He also presented for concurrence **HB 2327**, which was referred to the Committee on Transportation.

HOUSE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

He also presented for concurrence House Concurrent Resolution **No. 193**, which was referred to the Committee on Rules and Executive Nominations.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 902**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1859, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1859**, and has appointed Messrs. **HASAY**, **W. D. HUTCHINSON** and **LEVIN** as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 101** and **1369**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in Senate Concurrent Resolution, **Serial No. 220**, entitled:

Memorializing President and Congress to conduct a study

independent of the Veterans Administration to locate, treat and rehabilitate Vietnam Veterans contaminated by toxic defoliant "Agent Orange".

BILLS SIGNED

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

HB 101 and **1369**.

ANNOUNCEMENT BY THE SECRETARY

The **SECRETARY**. On Tuesday, September 30, the Committee on Appropriations has been given permission to meet off the floor during the Session. They will be considering Senate Bill No. 1013, Senate Bill No. 1510, House Bill No. 2470 and House Bill No. 2919.

ANNOUNCEMENT BY MAJORITY LEADER

Senator **ZEMPRELLI**. Mr. President, as a matter of information as to the intentions of the Majority, I would suggest to all the Members of the Senate that it is the intent of the Majority to caucus at 2:30 in the Majority caucus room on the first floor.

Mr. President, it would be the expectation of the Majority, that we would return to the floor at 4:00 o'clock for the purpose of considering the Session of Tuesday, September 30.

ADJOURNMENT

Senator **ZEMPRELLI**. Mr. President, I move that the Senate do now adjourn until Tuesday, September 30, 1980, at 4:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.