

Legislative Journal

TUESDAY, SEPTEMBER 30, 1980

Session of 1980

164th of the General Assembly

Vol. 2, No. 58

SENATE

TUESDAY, September 30, 1980.

The Senate met at 4:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

O heavenly Father, You who promised to grant the petitions to two or three united in Your name, have given us to offer this prayer with a single united voice.

Hear now the request of each Senator, giving to them the knowledge of Your truth in the present time, and granting life eternal in the ages to come.

For You, O God, are gracious, and You love mankind and to You we render glory now and forever more. Amen.

JOURNAL APPROVED

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

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

SENATOR SCANLON TO VOTE FOR SENATOR MESSINGER

Senator SCANLON. Mr. President, I request a legislative leave of absence for Senator Messinger.

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2920**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 427**, which was referred to the Committee on Education.

He also presented for concurrence **HB 2081**, which was referred to the Committee on Environmental Resources.

He also presented for concurrence **HB 2617**, which was referred to the Committee on Finance.

He also presented for concurrence **HB 265**, which was referred to the Committee on State Government.

BILLS SIGNED

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

HB 1842 and 2678.

GENERAL COMMUNICATION

ADMINISTRATIVE RULES REPORT

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
HARRISBURG, PA. 17120

September 30, 1980.

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA:

I am pleased to submit to the General Assembly these storm water management guidelines and model ordinances as directed by Section 14(b), Act of October 4, 1978 (P. L. 864, No. 167), known as the "Storm Water Management Act", and under the procedures provided in the Act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955".

The Storm Water Management Act is a major step toward stabilizing Pennsylvania's flooding problems. Flood control projects designed in years past are losing their effectiveness as new developments increase the rate and quantity of storm water entering our streams. In Pennsylvania intensity of land use has caused a sharp rise in the number of flooding events. Since 1936 Pennsylvania has suffered 18 major floods accounting for total damages in excess of 5.8 billion dollars. Although there is a tendency to look upon the great floods, such as 1936 and 1972, as remote and unprecedented events, the fact is that serious and moderate floods frequently cause extensive, localized damage to communities throughout the Commonwealth.

Storm water management is concerned with the planning, design and management of the flow and storage of surface waters resulting from large and small storms, including consideration of water quality and interaction with ground water.

The storm water management plans will stabilize the quantity and velocity of storm water which enters our streams. The plans will help to prevent downstream flooding, stream channel erosion and resulting siltation, provide a balance for existing biological habitat in streams, maintain or increase the flow to ground water and reduce the amount of non point source pollution.

Approval of these guidelines will give assistance to counties and local governments facing the increasing problems of accel-

erated storm water runoff. By passing the Storm Water Management Act, the General Assembly determined that proper storm water management is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment.

CLIFFORD L. JONES
Secretary

ADMINISTRATIVE ACTION REPORT NO. 1 OF 1980

Section 1. Under the authority of section 14(a)(3) of the act of October 4, 1978 (P. L. 864, No. 167), known as the "Storm Water Management Act," the Department of Environmental Resources established guidelines for storm water management and model storm water ordinances, copies of which are on file in the Offices of the Secretary of the Senate and the Chief Clerk of the House of Representatives.

Section 2. Upon the approval of these guidelines and model ordinances by the General Assembly pursuant to the provisions of section 14(b), act of October 4, 1978 (P. L. 864, No. 167), known as the "Storm Water Management Act," and the act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955," the Department of Environmental Resources shall publish the guidelines and model ordinances.

The PRESIDENT. This will appear on the Calendar.

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. There will be two committee meetings held off the floor, the Committee on Rules and Executive Nominations and the Committee on Appropriations.

Permission has been granted for an additional committee to meet during today's Session, that would be the Committee on State Government. They will be considering Senate Bill No. 1510 and House Bill No. 2470.

REPORTS FROM COMMITTEES

Senator LEWIS, from the Committee on Local Government reported, as committed, **HB 1143, 1374, 1587 and 2358**; as amended, **HB 1586**.

Senator ROMANELLI, from the Committee on Urban Affairs and Housing, reported, as committed, **SB 195**.

Senator SCHAEFER, from the Committee on Professional Licensure, reported, as amended, **HB 2534**.

BILLS INTRODUCED AND REFERRED

Senators COPPERSMITH, ZEMPRELLI, HAGER and GEKAS presented to the Chair **SB 1601**, entitled:

An Act providing for expanded services to the aged, infirm and others; for development of payment methodology; for promotion of efficiency incentives and cost controls; for resolution of program disputes; for fiscal control over promulgation of rules and regulations; and for content of provider agreement.

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

Senators LYNCH and ROSS presented to the Chair **SB 1602**, entitled:

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," providing for the distribution of certain information with prescription drugs.

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

SB 985 TAKEN FROM THE TABLE

Without objection, Senator LINCOLN called from the table **SB 985**.

RECONSIDERATION OF SB 985 THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING

Senator LINCOLN. Mr. President, I move that the Senate proceed with the reconsideration of Senate Bill No. 985, Printer's No. 1973, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

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

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

The PRESIDENT. The Clerk will read the Governor's veto message.

The Clerk read the Governor's veto message as follows:

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

July 12, 1980.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

I return herewith, without my approval, Senate Bill 985, Printer's No. 1973, entitled, "An act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto, further providing for the disposition of certain unused and unnecessary lands, further providing for review and approval of certain budget and providing for certain payments and reimbursements to community colleges.'"

This legislation has three parts, only one of which I must vigorously oppose and necessitates my veto. First, I do not oppose the amendment to the Public School Code which permits the reconveyance of unimproved agricultural lands at acquisition price for 12 years. However, it is unnecessary to approve this amendment to the Public School Code because I have approved and signed into law Senate Bill 986, Printer's No. 1974, which amends the Eminent Domain Code to achieve the same purpose. This amendment to the Eminent Domain Code established a uniform and mandatory procedure for all government entities including school districts, governing the disposition of unused condemned agricultural lands.

Second, I support the amendment in this legislation providing for increases in operating subsidies for community colleges to \$1,800 per student in 1980-81. Indeed, I requested such an increase in my budget proposal to the General Assembly for 1980-81 on February 5, 1980. I urge the General Assembly to return this proposal to my desk for my signature as soon as possible in a separate bill.

My objections to this legislation arise entirely out of amendments made to Section 2509.1 of the Public School Code relating to the method and guidelines utilized by the Department of Education to review and approve certain budget submissions. The proposed amendments to Section 2509.1 would reverse an administrative ruling by the Education Department that special education budgets will not be approved in excess of available appropriations.

Currently, the Commonwealth subsidizes 100% of the "excess cost" of approved special education programs. Excess cost

is the amount expended by school districts and intermediate units above basic tuition rates. Budgets are approved prior to the start of the school year, and the subsidy is paid in advance of provision of the actual instruction.

Since the subsidies are limited to the greater of either the approved budget or actual expenditures, accounts are audited in April following the school year and adjustments for overpayments are made in subsequent subsidies. In the past, significant revenues were generated by these adjustments, and the revenues were used to allow increases in program funding. Budgets were, therefore, approved prior to the start of the year in excess of available funds in order to allow the expenditure of these extra revenues. Advance subsidy payments, however, were based on an allocation of available funds which prorated budgets down to amounts conforming to available appropriations.

Due to increases in program costs and limitations in appropriations, we can no longer follow this procedure. Next April funds will be unavailable to finance budgets in excess of allocations. The amount allocated and the amount budgeted must be in conformity. Otherwise, school districts and intermediate units will expect a deficiency appropriation from the General Assembly.

The Department of Education currently estimates that if we follow the procedure demanded by this legislation, a \$41 million deficiency appropriation would be required next spring. Funds for an appropriation of this magnitude are simply unavailable now and given current economic conditions, the outlook for next spring is even less encouraging. School districts and intermediate units must recognize this fact and adjust their spending plans accordingly.

Therefore, for reasons of controlling costs and living within the means of our taxpayers and at the urging of the Secretary of Education, I must disapprove this bill.

DICK THORNBURGH
Governor

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I rise to recommend a negative vote on the motion to override the Governor's veto. I think the request for that negative vote is based on one very basic and very simple precept and that is the precept of fiscal responsibility. The money is not available and we understand will not be available to fund this override without an increase in taxes which certainly this General Assembly has not considered. On that basis and on that basis alone, I see no sense in overriding a veto and making a promise to the school districts of the Commonwealth and the intermediate units of the Commonwealth and then have to renege on that promise because the funding is not available to live up to the commitment that we would make in the override.

Senator LINCOLN. Mr. President, I have some lengthy remarks that I will bypass because I think the gut of the issue has been exposed by the previous speaker.

The fact that there would be need for additional funds is just not so. There are no figures available to show what, if any, increase in the current budget would be needed to fund this particular override. There is no question that the override will cause and have some fiscal impact in the next fiscal year.

The only thing that Senate Bill No. 985 would do is allow intermediate units and local school districts the opportunity to have one year to comply with the decision that was made for budgetary expediency. There is a very real possibility that if Senate Bill No. 985 is not overridden, the veto is not overridden, that there will be lapsed money because the school dis-

tricts and the intermediate units are going to be forbidden from going in for their excess cost on special education.

The ramifications of allowing the veto to stand on Senate Bill No. 985 are tremendous. We are dealing with the possibility of putting a lot of special education students out of their classrooms in March and April, back into the districts who are not prepared to handle that particular group of students. We are also talking about something that cannot be corrected by the districts at this point because their budgets are passed and by law, which was passed by this General Assembly, they cannot open their budgets to either increase or decrease their appropriations.

We have a lot of other problems. One of the things that is going to cause the chaos next year is the fact that the programs that are operated by the intermediate units would be turned over to local school districts. Those services would have to be handled by the local district for the handicapped students who are in the special education classes. To do this would require amendments to the county plan for special education, first by the local boards, then by the intermediate unit board and then itself by the Department of Education.

Since the Department of Education can only put their mark of approval on plans which conform with county plans, there is no way they can do this. That process alone would take eight weeks.

We also have a problem and a very serious problem that under the Federal Law, P. L. 94-142, each student is guaranteed an individual education plan. Whenever these students are transferred from the intermediate units to the regular school districts, each and every one of those students is going to have to have a brand new individual education plan prepared for them. There are no funds available. There are no teachers available. One of the problems with the change that was made in June, teachers in many districts do not work during the summer months, and in most districts because of inflation and a lot of other reasons, they could not afford to hire teachers to develop the individual education plans.

Mr. President, it is just ridiculous to insist on something that without question is going to cause harm to a group in our society that we have been very, very protective of over the last ten years.

The change in the procedure for educating special education students could have a very, very bad effect on them not only for this school year but maybe for the rest of their life.

With the fact confronting us that there will not be a fiscal implication from this in this fiscal year, and there definitely will be in the next fiscal year, in fact, there is no way those figures can be developed because the information that would be needed to find out what, if any, money would have to be added cannot be done until late spring, in late May and early June. We do not even have the figures available from the last school year to know if there was a deficiency then.

There is also a second portion of this bill, Mr. President, that, in itself, would make the positive veto vote a good one. We funded in the budget that we passed back in June additional monies for the community colleges. What it does, the provisions of Senate Bill No. 985 would raise the State subsidies

for community colleges from \$1,500 to \$1,800 per student. It also raises a special stipend for non-degree students from \$150 to \$255. These students are involved in expensive technical and vocational training programs. A number of community colleges depend very heavily on these State funds because it is a major source of their support. If we do not get that money to them, many of them are going to have to discontinue their technical and vocational courses.

Mr. President, I will give you a good example. The Williamsport Area Community College has one of the largest and finest programs in the State and they would be hurt the most without this increased stipend.

Mr. President, I want to say to the Members of the Senate that this is not additional money for the community colleges. This is money that has been budgeted in the budget that we are operating under right now.

Mr. President, I see no reason for voting "no" on this particular override. I realize that sometimes being of the same party as the Governor, it gets a little bit difficult on an override, but I can assure the Members of the Senate that Governors and Secretaries of Education are prone to make mistakes, being human as the rest of us, and I can assure the Members of the Senate that I have been in that position and on quite a few occasions, I voted to override vetoes of the Governor of my party. Mr. President, I urge the Members of the Senate to do the same for good sense and good government.

Senator BELL. Mr. President, less than twenty-four hours ago, the Members of this House almost overwhelmingly voted to spend money for nonpreferred appropriations. At that time I pointed out there should be priorities as to how State monies were expended. In my personal mind, I have priorities. I consider various State monies to be spent for highly essential, essential, desirable and maybe nondesirable projects.

Now I am going to put this right to my fellow Senators. Money for the Everhart Museum in Scranton, for the Erie Philharmonic Orchestra in Erie, to the Lansdowne Symphony Orchestra in Delaware County, to the American Wind Symphony in Pittsburgh, the Schuylkill County Council for the Arts, in your minds, lady and gentlemen of the Senate, do you consider that more essential money than money for the special education of our young people physically and mentally retarded? I personally consider special education for our children as holding the highest priority for State spending.

Mr. President, I am going to vote that way as long as I stay in this General Assembly.

I have visited the Summit School in my district which has all the physically handicapped youngsters. I have also the special education school at Lima, where they have the deaf. I have adjacent in the district of the gentleman from Delaware, Senator Loeper, another school all run by special education, the intermediate unit.

I am going to say this, Mr. President, that is the most essential service that we render the people of our Commonwealth, and I will not stand quietly by and say, "Oh push this into the mainstream of the school districts." For these young people who are now given a chance to be thrown into the mainstream is cruel.

Senator LOEPER. Mr. President, I also would like to echo the remarks of my colleague, the gentleman from Delaware, Senator Bell, and one issue that particularly concerns me as far as special education is concerned is the additional burden that this possibility of loss of State funding can place back on our local school districts. Particularly in the districts that I represent in eastern Delaware County, many of these school districts were faced with millage increases this year of anywhere from fifteen to twenty-seven mills. This affected many of our senior citizens in those districts living in owner-occupied dwellings and on fixed incomes. I see this as simply an additional burden that we are placing back on the local residents of our community.

Mr. President, I also will support the motion to override.

Senator STAUFFER. Mr. President, I think just a few very brief remarks are in order in response to the words of the gentleman from Fayette, Senator Lincoln.

First of all, Mr. President, as far as the fiscal implications are concerned, we do know that for the school year 1979-80, the department was \$21 million short for this particular appropriation. We know that the department estimates that for the current school year the figure will rise to something in excess of \$40 million. That is the estimate that they have given us. So, I think that we do have some very strong idea of what the fiscal implications are.

In addition, Mr. President, the gentleman from Fayette, Senator Lincoln, mentioned the funding for community colleges. I would point out to the Members that there is no problem as far as the community colleges are concerned, there is no need to deal with that subject in this bill because on the very Calendar before us, we have House Bill No. 419, which is moving up today, which does deal with the funding of community colleges and will take care of that particular situation.

Senator KELLEY. Mr. President, I just want to say to the gentleman from Chester, Senator Stauffer, and my colleagues, that ordinarily I would be persuaded by the argument about the fiscal aspects. This is not an ordinary time nor an ordinary bill that we are proposing.

If you recall, Mr. President, this Administration is headed by a gentleman who has said "more with less." So I anticipate that the gentleman will be able to accomplish it. Mr. President, I advise an affirmative vote.

Senator LINCOLN. Mr. President, this comes down to one basic issue. The gentleman from Chester, Senator Stauffer, alludes to figures provided on fiscal impact. There is absolutely no way that those figures can be substantiated.

Mr. President, a member of the House Committee on Education, who has been working with me on this, has received three different figures and versions from the office of the gentleman from Allegheny, Senator Scanlon. Plus, they can never tell us how they are coming to those figures. The \$41 million or \$40 million figure is high and is absolutely not substantiated with any facts. It will not have that fiscal impact this fiscal year anyway. Even if that figure was correct, it will be in the following fiscal year where we will have an opportunity if we see fit as Legislators to vote that appropriation.

Mr. President, I think it is unreasonable and it is unrealistic to place the people responsible for educating our special child-

ren, which we have mandated that they receive certain types of education, to place them in a position where they are just not going to be able to give it.

Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

The PRESIDENT. Will the gentleman from Chester, Senator Stauffer, permit himself to be interrogated?

Senator STAUFFER. I will, Mr. President.

Senator LINCOLN. Mr. President, someone was talking to me when the gentleman from Chester, Senator Stauffer, was relating the information about something to do with funding community colleges. Could he give that to me again, please, Mr. President?

Senator STAUFFER. Mr. President, I will be pleased to. I indicated that the problem of funding the community colleges did not have to be dealt with in Senate Bill No. 985, because on today's Senate Calendar we have House Bill No. 419, which is moving up, will be in position to be voted tomorrow, which deals with the funding of the community colleges and eliminates that as an area of concern.

Senator LINCOLN. Mr. President, there is some difference in the provisions of Senate Bill No. 985, is that correct?

Senator STAUFFER. Mr. President, I believe there is some difference but of course if it was the desire to make it be an equal to what was included in Senate Bill No. 985, obviously an amendment could be considered that would structure it exactly the same.

Senator LINCOLN. Mr. President, the gentleman from Chester, Senator Stauffer, expects Senate Bill No. 419—

Senator STAUFFER. Mr. President, House Bill No. 419—

Senator LINCOLN. Mr. President, it has been amended here?

Senator STAUFFER. Not as yet, Mr. President.

Senator LINCOLN. Mr. President, I personally have very little interest in the community colleges as a Member of the Senate because I do not have any in my district. My concern mainly lies with special education students which we all serve. I think the fact that House Bill No. 419 is part of a very large Calendar and there are a lot of other controversial issues to deal with, I personally believe that the reasonable way to approach this is to override the veto and assure special education students and community colleges their money at the same time.

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

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

YEAS—32

- | | | | |
|--------------|----------|------------|------------|
| Bell, | Kelley, | Messinger, | Ross, |
| Bodack, | Kury, | Murray, | Scanlon, |
| Coppersmith, | Lewis, | O'Pake, | Schaefer, |
| Early, | Lincoln, | Orlando, | Smith, |
| Greenleaf, | Lloyd, | Pecora, | Stapleton, |
| Gurzenda, | Loeper, | Price, | Stout, |
| Hankins, | Lynch, | Reibman, | Tilghman, |
| Holl, | Mellow, | Romanelli, | Zemprelli, |

NAYS—15

- | | | | |
|----------|--------|------------|------------|
| Andrews, | Hager, | Jubelirer, | O'Connell, |
|----------|--------|------------|------------|

- | | | | |
|---------|---------|----------|-----------|
| Corman, | Hess, | Kusse, | Snyder, |
| Dwyer, | Hopper, | Manbeck, | Stauffer, |
| Gekas, | Howard, | Moore, | |

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

RECONSIDERATION OF SB 985
BILL LAID ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move the vote by which Senate Bill No. 985, Printer's No. 1973, was defeated on the override of the Governor's veto be reconsidered and the bill be laid on the table.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.

The PRESIDENT. Senate Bill No. 985 will be laid on the table.

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 544 (Pr. No. 2107) — Senator ZEMPRELLI. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 544, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing criminal penalties for carrying weapons on school property and defining aggravated assault and increasing the grading for certain types of aggravated assault on a second and subsequent conviction and authorizing prosecution for obscenity violations whether or not the activity is enjoined.

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

Senator O'PAKE. Mr. President, this report of the Committee of Conference now deals with two very important subjects. One is the problem of school violence and the second is the problem of obscenity.

Mr. President, I would like to submit remarks for the record which focus on the tidal wave of violence which is sweeping our schools, and Senate Bill No. 544 is a response to that violence by increasing the penalty for assaulting a teacher or another school student.

The second part of Senate Bill No. 544 gives district attorneys an important new weapon in their battle against pornography, namely the ability to arrest and prosecute criminally for offenses under the Anti-Obscenity Law. Mr. President, I also want to read into the record part of the legislative history regarding Section 5903 as it applies to the courts of Philadelphia. I will submit those remarks for the record, Mr. President.

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

(The following prepared statement was made a part of the

record at the request of the gentleman from Berks, Senator O'PAKE:)

In recent years, school discipline has evolved from teachers confiscating chewing gum, to relieving their students of knives and guns.

School violence is not just a problem in Pennsylvania's inner-cities, it strikes just as often in our suburban and rural schools; and it is reaching epidemic proportions.

In public hearings around the State last year, the Senate Committee on Judiciary heard testimony of teachers suffering serious injuries at the hands of violent students. In the western part of the State, a teacher ordered an unruly student to her office and as a result, the teacher was viciously pushed against the wall breaking her pelvis. In the eastern part of the State, a teacher disciplined a student in a corridor; and the student came back later with a knife and chain and attacked the teacher.

The case history of school violence in Pennsylvania is a long and brutal one. The latest statewide statistics, which unfortunately are not too current or well-kept and represent only a fraction of the real picture, are shocking—3,720 teacher and student assaults; 21 reported rapes; 376 reported robberies; 2,686 thefts; 4,911 burglaries, 336 arson cases; 1,418 bomb threats, and the list goes on.

Recent statistics from the Philadelphia Board of Education indicate that the problem is growing steadily. In that district alone, there were 424 assaults on teachers reported last year, an increase of seven per cent, and reported assaults on other students numbered 434, a twenty-six per cent increase. Over 100 murders are committed each year in the nation's schools.

If these figures represent only a small fraction of the total picture, they clearly indicate that the level of school crime, vandalism, and disruption is much higher than Pennsylvania taxpayers can afford. The cost for one recent academic year alone was \$8.8 million.

We can no longer rationally believe that Detention Hall will deter the violence being exhibited by some students in today's schools. Senate Bill No. 544 will serve notice to those who would willfully destroy the educational environment with an act of violence or terrorism, that they will be held responsible for their acts. There is no reason for our children to be intimidated and abused in our schools. A school is a place for learning—not a combat zone.

Under Senate Bill No. 544, a student who is found to have intentionally caused or attempted to have caused bodily injury to any teacher, school board member, other school employee or another student would be guilty of a misdemeanor of the first degree and liable for imprisonment of up to five years. Any subsequent offense would be considered a felony of the third degree with a maximum sentence of up to seven years. Furthermore, a person found guilty of possessing a weapon in the school building, on the grounds, or on a vehicle transporting students to or from school, could be sentenced to serve up to five years in prison.

This tough legislation is needed if we hope to protect our children and teachers from the tidal wave of violence which is engulfing our schools.

Senate Bill No. 544 addresses another serious problem which is spreading as quickly as cancer throughout the Commonwealth; namely, the corruptive force of pornography. The present Anti-Obsecenity Law is almost useless because it is practically impossible to enforce. Under present law, a prosecutor can get an injunction against a porno dealer for a specific item being sold. Criminal charges can be brought only if the porno dealer refuses to obey the court order. Most porno dealers, however, skirt the order by changing the cover on the book or magazine in question or by pulling it from the shelf, but leaving other items up for sale. Senate Bill No. 544 would give law enforcement officials the tool they need to crack down on offenders—direct criminal prosecution, whether or not a specific book or more is enjoined.

It is the opinion of the conferees that this legislation meets the U.S. Supreme Court guidelines as to what States can do in this troublesome area, keeping in mind the First Amendment protection of the United States Constitution.

One word as to legislative intent and that involves Section 5903(i).

The provision is Section 5903(i) providing the right to trial by jury has not been amended. In light of the new provisions for direct criminal penalties in Senate Bill No. 544, however, the jury trial subsection is intended to be interpreted in connection with Title 42 which defines the jurisdiction of Municipal Courts. It is the intent of the Committee of Conference that the explicit right to a jury trial shall apply only to trials in the Common Pleas courts of each county and not to trials in the Municipal Court in Philadelphia County. All defendants have an automatic right of appeal for a de novo trial in the Common Pleas court with the right to request a jury trial in that court. The term "all proceedings" in the obscenity statute does not therefore encompass the Municipal Court in Philadelphia County.

Mr. President, I urge adoption of this Committee of Conference report.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—47

Andrews,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Juvelirer,	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,
Hankins,	Loeper,	Reibman,	

NAYS—0

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

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

REQUEST FOR RECESS

Senator STAUFFER. Mr. President, I would ask for a brief recess of the Senate in order that there could be a Republican caucus in the caucus room. It probably will not take more than five minutes.

REPUBLICAN CAUCUS

Senator HAGER. Mr. President, for the Members of the Senate, in order that we can expedite matters, while the Republican caucus is meeting, I would like to stay at the podium and have the Senate continue to move over those bills which we have agreed will go over so that we can clean up much of the Calendar. If the Republican caucus will go there with the gentleman from Chester, Senator Stauffer, and our counsel to discuss those matters, we can continue with cleaning up those matters on the Calendar which are by consent.

STATEMENT BY MAJORITY LEADER

Senator ZEMPRELLI. Mr. President, in an effort to expedite the Calendar, I would request the general permission to call out of order certain bills with the intent to go over the bills and if the Chair would recognize me for that purpose I would indicate to the Chair those bills that I would desire to call out of order.

CONSIDERATION OF CALENDAR RESUMED

SB 579 AND SB 902 CALLED UP OUT OF ORDER

SB 579 (Pr. No. 2127) and SB 902 (Pr. No. 2131) — Without objection, the bills were called up out of order, from page 2 of the Calendar, under Bills on Concurrence in House Amendments, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 579 and 902 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 1263, SB 1341 AND SB 1342 CALLED UP OUT OF ORDER

SB 1263 (Pr. No. 2100), SB 1341 (Pr. No. 2106) and SB 1342 (Pr. No. 2008) — Without objection, the bills were called up out of order, from page 4 of the Calendar, under Bills on Concurrence in House Amendments, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 1263, 1341 and 1342 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 1508 CALLED UP OUT OF ORDER

SB 1508 (Pr. No. 2111) — Without objection, the bill was called up out of order, from page 5 of the Calendar, under Bills

on Concurrence in House Amendments, by Senator ZEMPRELLI.

BILL OVER IN ORDER

SB 1508 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

HB 106 CALLED UP OUT OF ORDER

HB 106 (Pr. No. 3946) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator ZEMPRELLI.

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.

HB 606 CALLED UP OUT OF ORDER

HB 606 (Pr. No. 3940) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL OVER IN ORDER

HB 606 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

HB 1048 AND SB 1092 CALLED UP OUT OF ORDER

HB 1048 (Pr. No. 3990) and SB 1092 (Pr. No. 2136) — Without objection, the bills were called up out of order, from page 6 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

HB 1048 and SB 1092 Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 1407 AND SB 1411 CALLED UP OUT OF ORDER

SB 1407 (Pr. No. 1788) and SB 1411 (Pr. No. 2022) — Without objection, the bills were called up out of order, from page 7 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 1407 and 1411 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 1416 AND SB 1417 CALLED UP OUT OF ORDER

SB 1416 (Pr. No. 1965) and SB 1417 (Pr. No. 1966) — Without objection, the bills were called up out of order, from page 7 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER AND RECOMMITTED

SB 1416 and 1417 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

In accordance with Senate Rule 2, Order of Business, as amended by Senate Resolution, Serial No. 13, Session of 1969, the bills were recommitted to the Committee on Appropriations.

SB 1480 AND SB 1509 CALLED UP OUT OF ORDER

SB 1480 (Pr. No. 2023) and SB 1509 (Pr. No. 2000) — Without objection, the bills were called up out of order, from page 7 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 1480 and 1509 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

HB 1574 AND HB 2044 CALLED UP OUT OF ORDER

HB 1574 (Pr. No. 2516) and HB 2044 (Pr. No. 3882) — Without objection, the bills were called up out of order, from page 8 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

HB 1574 and 2044 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

HB 2667 CALLED UP OUT OF ORDER

HB 2667 (Pr. No. 3536) — Without objection, the bill was called up out of order, from page 9 of the Second Consideration Calendar, by Senator ZEMPRELLI.

NONPREFERRED APPROPRIATION
BILL OVER IN ORDER

HB 2667 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

**SB 381, HB 401, HB 419
AND HB 763 CALLED UP OUT OF ORDER**

SB 381 (Pr. No. 2129), HB 401 (Pr. No. 3881), HB 419 (Pr. No. 3883) and HB 763 (Pr. No. 3943) — Without objection, the bills were called up out of order, from page 10 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 381, HB 401, 419 and 763 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SB 1436 CALLED UP OUT OF ORDER

SB 1436 (Pr. No. 1851) — Without objection, the bill was

called up out of order, from page 12 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILL OVER IN ORDER

SB 1436 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

**SB 1439, SB 1492, HB 1589
AND HB 1608 CALLED UP OUT OF ORDER**

SB 1439 (Pr. No. 2105), SB 1492 (Pr. No. 1979), HB 1589 (Pr. No. 3944) and HB 1608 (Pr. No. 2460) — Without objection, the bills were called up out of order, from page 13 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

SB 1439, 1492, HB 1589 and 1608 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

**HB 1989, HB 1990 AND HB 1991
CALLED UP OUT OF ORDER**

HB 1989 (Pr. No. 2499), HB 1990 (Pr. No. 2500) and HB 1991 (Pr. No. 2501) — Without objection, the bills were called up out of order, from page 14 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

HB 1989, 1990 and 1991 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

**HB 1992, HB 2254 AND HB 2255
CALLED UP OUT OF ORDER**

HB 1992 (Pr. No. 2502), HB 2254 (Pr. No. 3510) and HB 2255 (Pr. No. 2884) — Without objection, the bills were called up out of order, from page 15 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILLS OVER IN ORDER

HB 1992, 2254 and 2255 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

SPECIAL ORDER OF BUSINESS

HB 2893 CALLED UP OUT OF ORDER

HB 2893 (Pr. No. 3834) — Without objection, the bill was called up out of order, from page 9 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

HB 2893 (Pr. No. 3834) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**HB 218 AND SB 455 CALLED UP
OUT OF ORDER**

HB 218 (Pr. No. 3916) and **SB 455 (Pr. No. 2093)** — Without objection, the bills were called up out of order, from page 10 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

HB 218 (Pr. No. 3916) and **SB 455 (Pr. No. 2093)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**HB 893, HB 1020, SB 1074, HB 1094,
SB 1098 AND HB 1150 CALLED UP
OUT OF ORDER**

HB 893 (Pr. No. 979), **HB 1020 (Pr. No. 2276)**, **SB 1074 (Pr. No. 1924)**, **HB 1094 (Pr. No. 1225)**, **SB 1098 (Pr. No. 1324)** and **HB 1150 (Pr. No. 2415)** — Without objection, the bills were called up out of order, from page 11 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

HB 893 (Pr. No. 979), **HB 1020 (Pr. No. 2276)**, **SB 1074 (Pr. No. 1924)**, **HB 1094 (Pr. No. 1225)**, **SB 1098 (Pr. No. 1324)** and **HB 1150 (Pr. No. 2415)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**HB 1176, HB 1235, SB 1280, SB 1367 AND
SB 1372 CALLED UP OUT OF ORDER**

HB 1176 (Pr. No. 2831), **HB 1235 (Pr. No. 1392)**, **SB 1280 (Pr. No. 1796)**, **SB 1367 (Pr. No. 2094)** and **SB 1372 (Pr. No. 1740)** — Without objection, the bills were called up out of order, from page 12 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

HB 1176 (Pr. No. 2831), **HB 1235 (Pr. No. 1392)**, **SB 1280 (Pr. No. 1796)**, **SB 1367 (Pr. No. 2094)** and **SB 1372 (Pr. No. 1740)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**SB 1481, SB 1494 AND SB 1495
CALLED UP OUT OF ORDER**

SB 1481 (Pr. No. 2113), **SB 1494 (Pr. No. 2114)** and **SB 1495 (Pr. No. 1982)** — Without objection, the bills were called up out of order, from page 13 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

SB 1481 (Pr. No. 2113), **SB 1494 (Pr. No. 2114)** and **SB 1495 (Pr. No. 1982)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**HB 1609 AND HB 1702 CALLED UP
OUT OF ORDER**

HB 1609 (Pr. No. 2294) and **HB 1702 (Pr. No. 3945)** — Without objection, the bills were called up out of order, from page 14 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

HB 1609 (Pr. No. 2294) and **HB 1702 (Pr. No. 3945)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**HB 2241 AND HB 2640 CALLED UP
OUT OF ORDER**

HB 2241 (Pr. No. 3960) and **HB 2640 (Pr. No. 3500)** — Without objection, the bills were called up out of order, from page 15 of the Second Consideration Calendar, by Senator ZEMPRELLI, as a Special Order of Business.

BILLS ON SECOND CONSIDERATION

HB 2241 (Pr. No. 3960) and **HB 2640 (Pr. No. 3500)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**SENATE CONCURS IN HOUSE AMENDMENTS**

SB 443 (Pr. No. 2005) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 443.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I would like to offer the following remarks for the record.

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

(The following prepared statement was made a part of the record at the request of the gentleman from Lackawanna, Senator MELLOW:)

The purpose of this bill is to require providers of professional health service corporations to acknowledge and reimburse chiropractic treatment to subscribers. The bill requires that this service be available, but does not compel any subscribers or groups of subscribers to ask for or accept them.

I understand that some unions actually provide health services to their members, using Blue Cross and Blue Shield as an agent. This bill is not intended to include such providers. It uses the word individual for his individual subscriber when describing one who may demand the services. This refers only to the individual membership of corporations similar to Blue Cross, and not to any union, fraternal or other group coverage unit.

I want to make it clear that this bill would not change the basis for any present group coverage.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—40

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

NAYS—8

Coppersmith,	Hopper,	Kusse,	Snyder,
Hess,	Howard,	Price,	Stauffer,

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

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

BILL AMENDED BY THE SENATE

MOTION TO SUSPEND RULES

SB 489 (Pr. No. 2126) — Senator SMITH. Mr. President, I ask unanimous consent to suspend the rules that I may move to amend the House amendments placed in Senate Bill No. 489.

The PRESIDENT. Senator Smith moves to suspend Senate Rule XV, Section 1 to allow amendments to Senate Bill No. 489.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator SMITH 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 majority of the Senators having voted "aye," the question was determined in the affirmative.

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

Amend Title, page 1, line 23 by inserting after "Legislature": examinations to be administered by the professional and occupational examining boards; providing for approval or disapproval of regulations by

the Legislature; further providing for

Amend Bill, page 4, by inserting between lines 22 and 23:

Section 812.1. Administration of Examinations.—

(a) All written examinations shall be prepared and administered by a qualified and approved professional testing organization under contract to the appropriate board or commission within the Bureau of Professional and Occupational Affairs and approved by the appropriate board or commission, except that where the particular professional and occupational statutes permit the use of national uniform examinations and/or grading services, these examinations and grading services may continue to be used. No board or commission member shall have a financial interest in a professional testing organization. This section shall not apply to any oral, practical or other nonwritten examination which may be required by a board or commission.

(b) Each board or commission shall have the discretionary power to charge a fee for the administration of an cost of each examination. The purpose of this fee is to insure that the applicants' fees cover the entire cost of the examination. This fee shall be in addition to any fee imposed pursuant to the act of July 1, 1978 (P. L. 700, No. 124), known as the "Bureau of Professional and Occupational Affairs Fee Act."

(c) Cost is defined as all contractual charges relating to the preparation, administration, preparing, administering, grading and recording of the examination.

(d) Nothing herein shall preclude an additional fee for first licensure where such is provided by law.

(e) Each board and commission within the Bureau of Professional and Occupational Affairs shall promulgate the necessary rules and regulations in order to carry out the provisions of this act.

(f) The Bureau of Professional and Occupational Affairs shall issue a report each year to each board and commission. The report shall contain a statement of all fees, fines and other moneys collected and all disbursements made.

Section 812.2. Legislative Approval or Disapproval: Effect.—A copy of every rule or regulation or amendment to a rule or regulation proposed by the Bureau of Professional and Occupational Affairs or any board or commission thereunder in order to implement any provision of section 812.1 shall before adoption be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within sixty days from the receipt of such proposed rule, regulation or amendment approve or recommend

disapproval to the House of Representatives of the Senate of any such proposed rule, regulation or amendment. Failure of the standing committee to recommend disapproval and of the House of Representatives and Senate to disapprove any proposed rule, regulation or amendment within the review time shall constitute approval thereof. If the standing committees of both the Senate and the House of Representatives recommend disapproval and the House of Representatives and the Senate disapproves any proposed rule, regulation or amendment, the bureau, board or commission shall not adopt the proposed rule, regulation or amendment and it shall not be again offered for one year. Only in the absence of a disapproval the bureau, board or commission shall proceed with the adoption of the rule, regulation or amendment in accordance with section 202 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law be submitted to the Secretary of the Senate and the Chief Clerk of the House of Representatives who shall cause the rules or regulations to be printed and distributed among all members of both chambers in the same manner as a reorganization plan. If both bodies fail to act within 60 days of receipt of such rules or regulations, or within legislative days after receipt, whichever shall last occur, rules or regulations adopted by the appropriate professional or occupational board, or the Bureau of Professional and Occupational Affairs shall be promulgated pursuant to the provisions of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law and 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). If either chamber disapproves any rule or regulation, such information shall be certified by the Speaker of the House of Representatives or President pro tempore of the Senate to the appropriate professional or occupational board, or the Bureau of Professional and Occupational Affairs, and such rule or regulation shall not be promulgated as a final rule or regulation.

Amend Sec. 1 (Sec. 618.1), page 4, line 26, by striking out "FORTY-FIVE" and inserting: sixty

Amend Sec. 1 (Sec. 618.1), page 5, line 3, by removing the period after "POLICIES" and inserting: or anticipated transfer of retained earnings.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

The PRESIDENT. Senate Bill No. 489 will go over, as amended.

BILL LAID ON THE TABLE

SB 982 (Pr. No. 1959) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was laid on the table.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 988 (Pr. No. 1998). — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 988.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

SB 989 (Pr. No. 2032) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 989.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

SB 990 (Pr. No. 2033) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 990.

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

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

SB 991 (Pr. No. 2034) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 991.

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

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

SB 992 (Pr. No. 2035) — Senator ZEMPRELLI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 992.

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

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

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

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 340 (Pr. No. 3901) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

BILL ON THIRD CONSIDERATION AMENDED

HB 821 (Pr. No. 3938) — 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 amendments:

Amend Title, page 1, line 9, by removing the comma after "CHILDREN" and inserting: and

Amend Title, page 1, lines 9 through 11, by striking out " THE GRADUATION" in line 9, all of lines 10 and 11, and inserting a period

Amend Sec. 1, page 1, line 14, by removing the comma after "923-A(D)" and inserting: and

Amend Sec. 1, page 1, line 15, by striking out "1501 AND 2523,"

Amend Sec. 1, page 1, line 18, by removing the comma after "NO. 30)" and inserting: and

Amend Sec. 1, page 1, lines 19 through 21, by striking out "SECTION 1501" in line 19, all of line 20 and "AMENDED JANUARY 14, 1970 (1969 P. L. 468, NO. 192)," in line 21

Amend Bill, page 5, lines 1 through 30; page 6, lines 1 through 7, by striking out all of said lines on said pages

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 962 (Pr. No. 3976) — Considered the third time and agreed to,

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

On the question,
 Shall the bill pass finally?

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

YEAS—48

Andrews,	Hankins,	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 the Senators having voted "aye," the question was determined in the affirmative.

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

BILL ON THIRD CONSIDERATION AMENDED AND RECOMMITTED

HB 1252 (Pr. No. 3906) — Considered the third time,

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

Amend Title, page 1, line 11, by removing the period after "tax" and inserting: and providing for the deduction and carryover of net operating loss in determining taxable income for corporate income taxes.

Amend Bill, page 2, line 2, by striking out all of said line and inserting:

Section 2. Subclause 1 of clause (3) of section 401 of the act, amended November 26, 1978 (P. L. 1287, No. 306), is amended to read:

Section 401. Definitions.—The following words terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
 * * *

(3) "Taxable income." 1. In case the entire business of the corporation is transacted within this Commonwealth, for any taxable year which begins on or after January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government, or in the case of a corporation participating in the filing of consolidated returns to the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government: Provided, That additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to and ascertained by the Federal Government: Provided further, That additional deductions shall be allowed from taxable income in an amount equal to the amount of any reduction in an employer's deduction for wages and salaries as required by section 280C of the Internal Revenue Code as a result of the employer taking a credit for "new jobs" pursuant to section 44B of the Internal Revenue Code: Provided further, That taxable income will include the sum of the following tax preference items as defined in section 57 of the Internal Revenue Code, as amended, (i) excess investment interest; (ii) accelerated depreciation on real property; (iii) accelerated depreciation on personal property subject to a net lease; (iv) amortization of certified pollution control facilities; (v) amortization of railroad rolling stock; (vi) stock options; (vii) reserves for losses on bad debts of financial institutions; (viii) and capital gains but only to the extent that such preference items are not included in "taxable income" as returned to and ascertained by the Federal Government. No deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year: Provided, That for the calendar year 1981 and fiscal years beginning in 1981 and thereafter, a net operating loss, as provided by section 172 of the Internal Revenue Code, shall be allowed as a deduction and a carryover pursuant to the following schedule:

<u>Net Operating Loss for Year</u>	<u>Carryover</u>
<u>1981</u>	<u>1 year</u>
<u>1982</u>	<u>2 years</u>
<u>1983 and thereafter</u>	<u>3 years</u>

The net operating loss shall be carried to the earliest of the taxable years to which, under this schedule, such loss may first be carried. In the case of regulated investment companies as defined by the Internal Revenue Code of 1954, as amended, "taxable income" shall be investment company taxable income as defined in the aforesaid Internal Revenue Code of 1954, as amended. In arriving at "taxable income" for Federal tax purposes for any taxable year beginning on or after January 1, 1971, any corporate net income tax due to the Commonwealth pursuant to the provisions of this article shall not be allowed as a deduction and the amount of corporate tax so due and excluded from Federal taxable income under the Internal Revenue Code shall not be apportioned but shall be subject to tax at the rate imposed under this article.

* * *

Section 3. (a) Section 1 of this act shall take effect in 60 days.

(b) Section 2 of this act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 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 third consideration, as amended?

MOTION TO REREFER

Senator ZEMPRELLI. Mr. President, I move that House Bill No. 1252, the bill just considered, be recommitted to the Committee on Appropriations, as amended.

On the question,

Will the Senate agree to the motion?

Senator O'CONNELL. 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 O'CONNELL. Mr. President, I would like to inquire of the gentleman from Philadelphia, Senator Smith, as to the status of House Bill No. 1172 that contained this very same amendment. It was accepted unanimously by this Body and then referred to the Committee on Appropriations for consideration or a fiscal note.

Senator SMITH. Mr. President, we are always concerned about revenues present and future. We have been trying to project revenues present and future. We have been trying to project what effect it would have on the Commonwealth, not this year, possibly not next year, but in revenues expected within the next five years.

Mr. President, the bill is being under heavy, and I will repeat, heavy investigation and the extension of which would be, I

would hope, in the very near future, we could bring it to the floor.

Senator O'CONNELL. Mr. President, this is why I would oppose the recommittal of this bill to the Senate Committee on Appropriations because I think it would perhaps reach a similar fate. It would be bottled up in that committee and I do not think it is really necessary because there is a fiscal note available for these amendments in regards to the fiscal impact over the next several years.

Senator SMITH. Mr. President, fiscal responsibility belongs to the Chairman of the Committee on Appropriations. It is very easy to run a bill out with the accepted fact that we can project the total impact on revenues in the next two or three years, but I think the gentleman would appreciate the fact that we are only trying to protect the interest of the Commonwealth and the people and that is the only reason the bill has not been forthcoming.

Senator O'CONNELL. Mr. President, I would agree with the gentleman, and I know that is noteworthy and I am interested in the people of the Commonwealth and so are others who have supported these amendments and we really believe that consideration of these amendments is going to answer a good many of the problems that we have, particularly as it might give the incentives to business to provide jobs and so forth.

Mr. President, I have a fiscal note here that has been prepared by the Department of Revenue and has been certified by that department as being the fiscal impact on this particular piece of legislation for the next number of years, including the fiscal year of 1983-1984.

Senator SMITH. Mr. President, I think the gentleman has confusion. He is talking about the Department of Revenue, but there is a Committee on Appropriations. We would certainly take the information available to the gentleman, give it to the Chairman of the Committee on Appropriations, we will add it with other information we have, Mr. President, and possibly could expedite release of the bill.

Senator O'CONNELL. Mr. President, what figures did the gentleman use to determine the fiscal impact of such legislation?

Senator SMITH. Mr. President, I do not think I heard the question.

Senator O'CONNELL. Mr. President, what figures, or what would be the source of information to develop the fiscal impact on these particular amendments?

Senator SMITH. Mr. President, we have a staff that works towards fiscal impact and we do try earnestly to give an honest appraisal from our standpoint of what it would mean on the revenues within a given period of time.

Mr. President, we have no reason to hold back the bill of the gentleman from Luzerne, Senator O'Connell, once we are satisfied that we will not do harm to the revenues expected for the gentleman's own Secretary of Revenue. It is our responsibility to give an honest appraisal.

Senator HAGER. Mr. President, I just want to say that my heart swells with pride and gratitude to the Chairman of the Committee on Appropriations. I am so pleased that he exercises such great fiscal responsibility. I know the people of this Com-

monwealth will sleep more calmly tonight for his statements and I want to assure the gentleman that so shall I.

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

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 1252 will be recommitted to the Committee on Appropriations, as amended.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1361 (Pr. No. 1727) — 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,	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,
Hager,	Loeper,	Reibman,	

NAYS—1

Hess,

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

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

SB 1525 (Pr. No. 2029) — Considered the third time,

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

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

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for reports of certain accidents involving public utilities;

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting:

Section 1. Section 102 of Title 66, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Hazardous substances." A flammable liquid, flammable solid, oxidizing substance, corrosive liquid,

compressed gas, poisonous substance, radioactive substance, explosive or other substance so defined by the Hazardous Substances Transportation Board created by the act of November 9, 1965 (P. L. 657, No. 323) known as the "Hazardous Substances Transportation Act."

* * *

Section 2. Title 66 is amended by adding a section to read:

§ 1508.1. Reports of accidents by common carrier by rail.

Every common carrier by rail shall give immediate notice by telephone or telegraph to the commission of the happening of any derailment or accident involving a hazardous substance and furnish such full and detailed report of such derailment or accident, within such time and in such manner as the commission shall require. Such report shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in such report. In addition, such common carrier by rail shall also give immediate notice by telephone or telegraph to the Pennsylvania Emergency Management Agency, the appropriate local emergency management agency and the local fire department of the occurrence of any derailment or accident involving a hazardous substance.

Section 2. Title 66 is amended by adding a section to read:

Amend Sec. 2, page 2, line 23, by striking out "2." and inserting: 3.

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

Senator GEKAS. Mr. President, the subject matter of these amendments does no violence at all to the general theme of Senate Bill No. 1525. The proposal of the gentleman from Allegheny, Senator Bodack, seeks to amend the Public Utility Law. My amendments do the same thing, but in a totally different subject. In my district in the last year, there have two separate incidents involving the derailment of a railroad car containing hazardous substances. In both instances, it appeared that there was a lag at one time in one incident of more than four hours and in the other one more than two hours in notification to the local municipality whose responsibility it was in the event that the hazardous substances turned out to be a danger to the community to evacuate or to in some other way respond.

My amendments to Senate Bill No. 1525 do the very fundamental thing of providing that when a railroad car leaves the tracks, that upon the happening of such an incident, the railroad has the responsibility of notifying not only the Public Utility Commission but also the local municipality and its Civil Defense structure so that the proper response in such an emergency can be made.

Mr. President, I ask for acceptance of these amendments by the Senate.

Senator ZEMPRELLI. Mr. President, I would agree with the gentleman from Dauphin, Senator Gekas, that the amendments he proposes would do no violence to Senate Bill No. 1525, however, there is a desire on the part of the Majority to keep a certain pristine clarity with respect to the language of this bill and we suggest and invite the gentleman to offer his amendments to another Public Utility Commission bill wherein it might be more germane.

Mr. President, I am not prepared to argue the need for the kind of registration that he requests and certainly my request that the amendments not be adopted is based purely on procedural rather than any substantive consideration.

Mr. President, I would ask for a "no" 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 third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, I would like to debate the bill if I may.

Mr. President, Senate Bill No. 1525 is being presented to us as a consumer protection bill. I think it is misleading for anyone to believe that this will be a consumer protection bill. What this legislation proposes to do is to eliminate the accelerated depreciation that utilities are permitted to take under State and, of course, under Federal law when new facilities are constructed and to force them to turn to the straight line method of depreciation.

It is my understanding that there is a provision in Federal law which provides that if a State does not permit accelerated depreciation, neither will the Federal Government. Instead of being a benefit to the consumer, if this legislation were to be enacted, its effect in the short term would probably mean even greater increases in utility bills because if the utility company was not able to gain through the accelerated depreciation method, then the only thing they could do to cover the cost of the construction and to pay off their bonds would be to ask for additional rate increases in order to generate the revenue necessary to make these payments.

If we want to try and hold down utility rates as much as possible in the consideration of the depreciation schedule, a negative vote on this bill would be very much in order, Mr. President.

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

And the question recurring,
Shall the bill pass finally?

VERIFICATION OF THE ROLL

Senator HAGER. Mr. President, I ask for a verification of the roll.

The PRESIDING OFFICER. Request has been made to have the roll verified. The Clerk will proceed to call the names of those recorded as voting in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Bell	Holl	Messinger	Ross
Bodack	Kelley	Murray	Scanlon
Dwyer	Lewis	O'Pake	Schaefer
Early	Lincoln	Orlando	Smith
Greenleaf	Lloyd	Pecora	Stapleton
Gurzenda	Lynch	Reibman	Stout
Hankins	Manbeck	Romanelli	Zemprelli
Hess	Mellow		

The PRESIDING OFFICER. Are there any corrections?

Senator HAGER. Mr. President, is the gentleman from Berks, Senator O'Pake, on the floor? He was not here during the roll.

Senator ZEMPRELLI. Mr. President, the gentleman from Berks, Senator O'Pake, stepped off the floor. He will be here in one minute, Mr. President.

The PRESIDING OFFICER. We will be at ease until Senator O'Pake appears.

Are there any additions or corrections?

Senator HAGER. Mr. President, would the gentleman from Berks, Senator O'Pake, vote?

Senator O'PAKE. "Aye."

Senator HAGER. Thank you, Mr. President, there are no other additions or corrections.

The PRESIDING OFFICER. The affirmative roll will stand as verified.

The Clerk will now proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Andrews	Hopper	Kusse	Price
Coppersmith	Howard	Loeper	Snyder
Corman	Jubelirer	Moore	Stauffer
Gekas	Kury	O'Connell	Tilghman
Hager			

The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

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

YEAS—30

Bell,	Holl,	Messinger,	Ross,
Bodack,	Kelley,	Murray,	Scanlon,
Dwyer,	Lewis,	O'Pake,	Schaefer,
Early,	Lincoln,	Orlando,	Smith,
Greenleaf,	Lloyd,	Pecora,	Stapleton,
Gurzenda,	Lynch,	Reibman,	Stout,
Hankins,	Manbeck,	Romanelli,	Zemprelli,
Hess,	Mellow,		

NAYS—17

Andrews,	Hopper,	Kusse,	Price,
Coppersmith,	Howard,	Loeper,	Snyder,
Corman,	Jubelirer,	Moore,	Stauffer,
Gekas,	Kury,	O'Connell,	Tilghman,
Hager,			

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

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

SB 1526 (Pr. No. 2135) — Considerd the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—47

Andrews,	Hess,	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,
Hankins,	Loeper,	Reibman,	

NAYS—0

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

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

RECESS

Senator ZEMPRELLI. Mr. President, that is the conclusion of bills on third consideration.

Mr. President, it is essential that we have a meeting of the Committee on Rules and Executive Nominations, followed by a short meeting of the Committee on Appropriations and then a short meeting of the Committee on State Government.

Mr. President, I would suggest that all those committee meetings take place in the Rules Committee room and that as one committee spills in, that the other would spill out and with three spill ins and three spill outs, we should be able to conclude it within two or three minutes. The Committee on Rules and Executive Nominations first, the Committee on Appropriations second and the Committee on State Government third.

The PRESIDING OFFICER. The Chair hears no objection and the Senate will be in recess briefly.

AFTER RECESS

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

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

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

MEMBER OF THE STATE ART COMMISSION

June 3, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard Rittellmann, 127 Highland Road, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the State Art Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Dahlen K. Ritchey, Pittsburgh, whose term expired.

DICK THORNBURGH.

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

July 11, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard D. Atkins, Esquire (Drug and Chemical Abuse), 419 Sixty-sixth Avenue, Philadelphia 19146, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1981, and until his successor is appointed and qualified, vice Sidney H. Schnoll, M.D., Philadelphia, whose term expired.

DICK THORNBURGH.

INSURANCE COMMISSIONER

July 2, 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 Michael L. Browne, Esq., 854 Carpenter Lane, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for appointment as Insurance Commissioner, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice The Honorable Harvey Bartle, III, Philadelphia, resigned.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
PENNHURST CENTER**

September 4, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Don Bartlett, 717 Brainerd Road, Exton 19341, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Pennhurst Center, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Philip A. Rosenfeld, M.D., Fort Washington, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF SCRANTON STATE GENERAL HOSPITAL

August 4, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Brown, 1502 Pittston Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State General Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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

Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

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

NOMINATIONS TAKEN FROM THE TABLE

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

Mr. President, I also call from the table the nomination of The Reverend Doctor Horace S. Sills, as a member of the State Board of Funeral Directors.

This nomination was previously laid on the table September 29, 1980.

The Clerk read the nomination 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.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

Andrews,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubehrer,	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,
Hankins,	Loeper,	Reibman,	

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION

BILL ON SECOND CONSIDERATION AMENDED

HB 1786 (Pr. No. 3903) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 14, by inserting a comma after "COMMISSION"

Amend Title, page 1, line 14, by striking out "AND" where it appears the last time

Amend Title, page 1, line 16, by removing the period after "WELFARE" and inserting: and adding an appropriation to the Pennsylvania Emergency Management Agency.

Amend Sec. 1, page 2, line 2, by inserting after "HEALTH,": the Pennsylvania Emergency Management Agency,

Amend Sec. 1 (Sec. 201), page 3, by inserting between lines 2 and 3:

To the Emergency Management Agency

For general government operations of the Emergency Management Agency

[\$1,414,000]
\$1,294,000

For the reimbursement to the Borough of Blakely, Lackawanna County, for property damage and losses sustained as a result of a severe storm and flood of July, 1979.

120,000

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 ROMANELLI offered the following amendments:

Amend Title, page 1, line 14, by inserting after "AND" where it appears the last time: increasing and Amend Sec. 1 (Sec. 201), page 3, by inserting between lines 23 and 24:

For payment to counties for child welfare programs and for the care of delinquent and deprived children committed by the courts to a private or public facility [88,245,000] 116,245,000

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

Senator ROMANELLI. Mr. President, the basic intent of Act 148 was to deinstitutionalize children and youth programs by providing the counties with financial incentives to develop and utilize community-based services as alternatives to institutionalization. This year the Administration did not request sufficient funds to provide an adequate level of funding for this program.

Mr. President, today I am offering amendments to increase the appropriation for child welfare services by \$28 million in order to restore this program to last year's level of need. If these amendments are not adopted by the Senate, child welfare services across this State will be severely hampered. In Allegheny County alone we will lose \$4 million.

Mr. President, I ask an affirmative vote on these amendments.

Senator STAUFFER. Mr. President, I believe that every Member of this Senate would very much like to support the amendments of the gentleman from Allegheny, Senator Romanelli. To do so, however, would almost be heartless because we would be telling the people through the adoption of the amendments that we were going to provide \$28 million that does not exist.

The bottom line, Mr. President, is, is the money there? It is not there. The adoption of the amendments could not be put into practice because the money just does not exist.

Mr. President, I see no alternatives but to reject the amendments.

Senator ROMANELLI. Mr. President, I think the money can be found for such a vital program and I ask for a roll call vote.

Senator BELL. Mr. President, I want to support the gentleman from Allegheny, Senator Romanelli, in these amendments.

Mr. President, I sat as a spectator just now in the Committee on Appropriations and I think there was a bill reported out that would permit the State to borrow a quarter of a billion dollars for capital expenditures. I am just thinking that even at six per cent, if they can get that low interest, there is half of the money.

The children and youth need this money the same way as the Act 148, the same way as special education. The children and youth have the highest priority.

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

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

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—18

Table with 4 columns: Bell, Bodack, Coppersmith, Early, Greenleaf, Gurzenda, Kury, Lewis, Lincoln, Mellow, Murray, Pecora, Romanelli, Ross, Schaefer, Stapleton, Stout, Zemprelli

NAYS—25

Table with 4 columns: Andrews, Arlene, Corman, Dwyer, Gekas, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kusse, Lloyd, Loeper, Lynch, Messinger, Moore, O'Connell, Orlando, Price, Smith, Snyder, Stauffer, Tilghman

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

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

MOTION TO RECONSIDER ROMANELLI AMENDMENTS

Senator ROMANELLI. Mr. President, I move that we reconsider the vote by which the amendments fell.

Senator ZEMPRELLI. Mr. President, I would second the motion. I would also further move that House Bill No. 1786 be tabled.

I am sorry, Mr. President, I withdraw my motion.

The PRESIDING OFFICER. Would you please repeat your—

Senator ZEMPRELLI. Mr. President, I had moved that the bill—in order to avoid an immediate vote on the reconsideration, Mr. President, I was going to move to table the bill, but I understand that the expedencies of moving this bill are such that my motion to table would do an injustice, therefore, I am requesting that my motion be withdrawn.

The PRESIDING OFFICER. Is there a second? Motion falls for lack of a second.

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.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Philadelphia, Senator Smith, will state it.

Senator SMITH. Mr. President, on House Bill No. 1786, if the \$28 million is inserted into this House bill, does it necessarily have to go to the Committee on Appropriations?

The PRESIDING OFFICER. The Chair would return by asking you a question. Was this already in the Committee on Appropriations?

Senator SMITH. No, it was not, Mr. President.

The PRESIDING OFFICER. The Chair's interpretations of the Senate rules would seem to indicate that this should go back to the Committee on Appropriations then for a fiscal analysis.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Romanelli, will state it.

Senator ROMANELLI. Mr. President, due to the fact that the amendments spell out a specific amount, why would it have to go to the Committee on Appropriations? We know what it is going to cost. We do not need a fiscal note. It is going to cost \$28 million.

The PRESIDING OFFICER. The Chair would read Senate Rule XIV, Section 16(b), "No bill which may require an expenditure of Commonwealth funds shall be given third consideration reading on the Calendar until it has been referred to the Appropriations Committee, and a fiscal note has been attached thereto." The Chair would rule that the Rules of the Senate clearly indicate that this bill should go to the Committee on Appropriations.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Philadelphia, Senator Smith, will state it.

Senator SMITH. Mr. President, where is the bill now? Is it for reconsideration?

The PRESIDING OFFICER. The bill is now on third consideration in the Senate.

BILL REREFERRED

HB 80 (Pr. No. 3915)— The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator KUSSE offered the following amendment:

Amend Sec. 230, page 37, lines 16 through 19, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator KUSSE. Mr. President, this is a very simple amendment. I do not know whether it is agreed to or not, but it merely eliminates three lines in the bill. House Bill No. 80 proposes that on multi-family dwellings, it will be required that the elec-

tric service be separately metered for each family. This seems like a ridiculous requirement and unnecessary expense. Certainly it would mean that people, for example, would have to have a separate water heater for each apartment; it is conceivable that a family would have a dwelling erected wherein they planned an apartment for their elderly mother or father or for a child and they would have to go to the expense of separate meters. Mr. President, it seems very unnecessary and I would hope that the majority would see fit to approve the amendment.

Senator MELLOW. Mr. President, I respect the position of the very distinguished gentleman from Warren, Senator Kusse. The gentleman offered the amendment in the committee meeting that we had last week. The amendment was turned back at that particular committee meeting and I would wish that the Members of the Senate once again would reject this particular amendment. The amendment serves absolutely no useful purpose in this piece of legislation.

Senator O'CONNELL. Mr. President, I rise in support of the amendment. I think they are tremendously important and just to the contrary, I do not really believe that it is energy conservation, I think it is a waste of energy. What this is going to require if separate metering is installed in these multi-dwelling units, if separate water heaters and other separations of utilities are required, it will be extremely more costly and cause the tenants and the consumer to use considerably more electricity and it will just have the opposite effect of a savings.

Mr. President, I would like to submit to the Body that the only justification I can find for this amendment being in House Bill No. 80 is to protect the utility companies. The utility companies have a very difficult time when it comes to the point where they may have to interrupt a service in these multi-unit housing units because of the owner failing to meet his obligations and all of the tenants therein are jeopardized. I think this is the only advantage of this particular type of amendment. It serves no other purpose. It is energy wasteful rather than energy conservation and I really think we should support the amendment.

Senator KUSSE. Mr. President, a question was put to me by a Member that leads me to believe that some of the Senators do not completely understand the amendment. House Bill No. 80 says that multi-family dwellings must have separate electric meters. My amendment merely deletes that provision and provides that when a new dwelling is constructed, a multi-family dwelling, they do not have to have separate electric meters for each apartment.

Senator MELLOW. Mr. President, in the final analysis, I think the one thing we have to take under consideration is the fact that in homes or apartment complexes where there are more than one family residing, that with the possibility of individual meters for each apartment, we are hoping this would promote conservation of energy within the particular apartments themselves.

Mr. President, I would ask for a "no" vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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?

AMENDMENT OFFERED

Senator ROMANELLI offered the following amendment:

Amend Sec. 302, page 47, lines 5 through 8, by striking out "EXCEPT FOR THE AUTHORITY OF THE PUBLIC UTILITY" in line 5, all of lines 6 and 7 and "STRINGENT THAN THOSE CONTAINED IN THIS ACT" in line 8

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

AMENDMENT WITHDRAWN

Senator ROMANELLI. Mr. President, I will at this time withdraw the amendment. It is my understanding House Bill No. 80 will be rereferred to the Committee on Appropriations and I will do the amending there.

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

MOTION TO RECONSIDER KUSSE AMENDMENT

Senator HAGER. Mr. President, I would like to be at ease once more.

The PRESIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)

Senator HAGER. Mr. President, I would like to move that the Senate reconsider the vote by which the amendment of the gentleman from Warren, Senator Kusse, was defeated.

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

Senator HAGER. Mr. President, it is my understanding that it is the desire of the Majority to move that House Bill No. 80 go to the Committee on Appropriations.

The PRESIDING OFFICER. Excuse me. You have moved to reconsider the vote by which Senator Kusse's amendment was defeated. There was a second and that is as far as we have gotten here.

It has been moved and seconded that the vote by which Senator Kusse's amendment was defeated be reconsidered.

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

Senator MELLOW. Mr. President, I move that House Bill No. 80 be rereferred to the Committee on Appropriations for the purpose of a fiscal note in compliance with the Senate rules.

The PRESIDING OFFICER. Will Senator Mellow yield until we finish with Senator Kusse's amendment?

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

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

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I understand what you are trying to arrive at. Is it the Chair's ruling that in order for the motion to rerefer the bill must first dispose of the motion for reconsideration or the action to reconsider?

The PRESIDING OFFICER. Will you please repeat your question, I am sorry, I had difficulty hearing it.

Senator ZEMPRELLI. Mr. President, it is the Chair's ruling, apparently, and I think with justification, that before a motion to rerefer is in order that the reconsidered vote must be disposed of before that. Is that correct? The issue before the Senate now is properly a reconsidered vote on this amendment.

The PRESIDING OFFICER. The issue before the Senate and the question recurs is: Shall the Senate adopt the Kusse amendment?

AMENDMENT WITHDRAWN

Senator KUSSE. Mr. President, I would like to withdraw the amendment.

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

MOTION TO REREFER

Senator ZEMPRELLI. Mr. President, I would move that House Bill No. 80 be rereferred to the Committee on Appropriations.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.
The PRESIDING OFFICER. House Bill No. 80 is rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

HB 213 (Pr. No. 3422) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator ROMANELLI offered the following amendment:

Amend Sec. 1 (Sec. 2511), page 29, line 25, by striking out "SIX" and inserting: twelve

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

Senator ROMANELLI. Mr. President, this amendment has to do with the grounds for involuntary termination of parental rights, Section 2511.

This bill lists five separate grounds, any one of which would result in the termination of parental rights.

Actually what the amendment does is in the period dealing with the six month period as far as family life is concerned, it extends it to one year.

Mr. President, I offer the amendment and ask for its unanimous adoption.

Senator JUBELIRER. Mr. President, I rise in opposition to this amendment. I would ask that the Members of the Senate be fully aware of the implications of what I consider a drastic, radical change in the adoption laws of Pennsylvania.

Mr. President, under the current law, in an involuntary relinquishment, or an involuntary termination, parents will have a prospective adopted child for a period of six months and if the natural father of that child were to abandon that child and that is, not pay support, ignore the child, not want to see the child for a period of six months, then the parents can go through with an adoption which is in the best public policy of this Commonwealth for children who are not wanted by their parents to be adopted.

Six months is an extraordinarily long time in and of itself. To extend this to twelve months, Mr. President, would create in my opinion a severe hardship. Mr. President, I speak professionally and I speak personally about adoption. I believe if this amendment was adopted—and I did not mean that in the terms of a pun—by this Body, it would create a severe hardship on prospective adoptive parents. Adoption is very difficult at best today. To place this undue burden on adoptive parents I believe would not be in the best interest and it would create the uncertainty, the terrible turmoil that could be created by a natural parent coming in at, say, eleven months after a child had been placed in a home or had been ignored by his parents, and have those adoptive parents go through the kind of heartbreak, I think that would be a very, very bad thing.

Mr. President, I ask that the Members of this Body reject this amendment.

Senator MELLOW. Mr. President, as a gentleman who has been able to speak from personal experience over the past four or five years in two different occasions, I think this would be absolutely disastrous if we would increase the time from six months to one year.

Mr. President, I am not really certain that those of us who have been discussing it fully understand the total implication of what may take place here, but I would hope that we would turn back this amendment.

Senator SCHAEFER. Mr. President, I do not mean to belabor the point.

Having worked an awful lot on the foster care legislation which this Body passed earlier in the Session and as part of that work reviewing our adoption laws, I join the gentleman from Blair, Senator Jubelirer, and the gentleman from Lackawanna, Senator Mellow, in urging a “no” vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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?

Senator ROMANELLI. Mr. President, I want it very clear that I am voted in the affirmative.

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

HB 769 (Pr. No. 3947)— The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 10 by inserting after “penalties.”: providing for exclusion from tax for the sale at retail of supplies and materials to tourist promotion agencies, and

Amend Bill, page 1, by inserting between lines 14 and 15:

Section 1. Section 204, act of March 4, 1971 (P. L. 6, No. 2), known as the “Tax Reform Code of 1971,” is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(39) The sale at retail of supplies and materials to tourist promotion agencies, which receive grants from the Commonwealth, for distribution to the public as promotional material or the use of such supplies and materials by said agencies for said purposes.

Amend Sec. 1, page 1, line 15 by striking out “1” and inserting: 2

Amend Sec. 1, page 1, lines 15 through 17 by striking out “, act of” in line 15, all of line 16, and “1971,” in line 17 and inserting: of the act,

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

Amend Sec. 3, page 3, line 28 by striking out “3” and inserting: 4

Amend Sec. 4, page 4, line 19 by striking out “4. (a) Section 2” and inserting:

5. (a) Section 1 of this act shall take effect in 60 days.

(b) Section 3

Amend Sec. 4, page 4, line 23 by striking out “(b)” and inserting (c)

Amend Sec. 4, page 4, line 23 by striking out “3” and inserting: 4

Amend Sec. 4, page 4, line 25 by striking out “(c)” and inserting (d)

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.

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

BILL ON SECOND CONSIDERATION AMENDED

SB 1374 (Pr. No. 2095)— The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1, page 1, lines 9 and 10, by striking out “; sections 502, 508, 703(g), 1301, 1501, 1522(b) and 1706”

Amend Sec. 1, page 1, line 12, by inserting after “amended”; and a definition is added

Amend Sec. 1 (Sec. 102), page 1, by inserting after line 19:

“Hazardous substance.” A flammable liquid, flammable solid, oxidizing substance, corrosive liquid, compressed gas, poisonous substance, radioactive substance, explosive or other substance so defined by the Hazardous Substances Transportation Board created by the act of November 9, 1965 (P. L. 657, No. 323), known as the “Hazardous Substances Transportation Act.”

Amend Bill, page 3, by inserting between lines 21 and 22:

Section 2. Sections 502, 508, 703(g), 1301 and 1501 of Title 66 are amended to read:

Amend Bill, page 7, by inserting between lines 19 and 20:

Section 3. Title 66 is amended by adding a section to read:

§ 1508.1. Reports of accidents by common carrier by rail.

Every common carrier by rail shall give immediate notice by telephone or telegraph to the commission of the happening of any derailment or accident involving a hazardous substance and furnish such full and detailed report of such derailment or accident, within such time and in such manner as the commission shall require. Such report shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in such report. In addition, such common carrier by rail shall also give immediate notice by telephone or telegraph to the Pennsylvania Emergency Management Agency, the appropriate local emergency management agency and the local fire department of the occurrence of any derailment or accident involving a hazardous substance.

Section 4. Section 1522(b) and 1706 of Title 66 are amended to read:

Amend Sec. 2, page 8, line 21, by striking out “2.” and inserting: 5.

Amend Sec. 2, page 8, line 29, by striking out “3.” and inserting: 6.

On the question,

Will the Senate agree to the amendments?

Senator GEKAS. Mr. President, at the encouragement of the Majority Leader, I searched diligently in the Calendar for another bill that would amend the Public Utility Law so that I can insert therein these very valuable amendments.

There is not a Senator among us who should not vote in favor of these amendments. Again, it does no violence to the main theme of the bill and secondly, it covers that situation where if

a railroad derailment occurs where the railroad car contains a hazardous substance, this bill compels the railroad to notify the local municipality so that emergency measures if necessary can be taken. Otherwise, we have run out of steam on this railroad.

Mr. President, we are getting off track but in the interest of railroading this bill through, I ask for the gentleman from Allegheny, Senator Zemprelli, to conduct this railroad through Senate Bill No. 1374 and to agree to the amendments.

Senator ZEMPRELLI. Mr. President, I would be the last one that would want to go back on my word. I find the same degree of credibility with the amendments as I said before, and I think it is more properly placed at this time. I would propose to support these amendments.

Senator LEWIS. Mr. President, I do not find much merit in the amendments. However, given the commitment made earlier by the Majority Leader and the fear that I would destroy the balance of whatever pleasant evening the gentleman from Dauphin, Senator Gekas, might have, and although I am the principal sponsor of the bill, I will yield to the persuasive arguments to accept them as agreed to amendments.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS

RESOLUTIONS REPORTED FROM COMMITTEE

Senator ZEMPRELLI, from the Committee on Rules and Executive Nominations, reported without amendment, the following Senate Resolutions, numbered and entitled:

Serial No. 113—Urging President establish import quotas on mushrooms.

Serial No. 239—Urging Secretary of U.S. Department of Commerce monitor exports of ferrous scrap.

He also, from the Committee on Rules and Executive Nominations, reported without amendment, the following House Resolution, numbered and entitled:

No. 235—General Assembly memorialize Governor, Department of Education and Department of Health develop a Keystone State Games Program.

The PRESIDING OFFICER. The resolutions will be placed on the Calendar.

REPORTS FROM COMMITTEES

Senator SMITH, from the Committee on Appropriations, re-reported, as committed, **SB 1013**; reported, as committed, **HB 2919**.

Senator LYNCH, from the Committee on State Government, reported, as committed, **SB 1510** and **HB 2470**.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Herbert Spencer by Senator O'Connell.

Congratulations of the Senate were extended to Mrs. Mary Springer by Senator Dwyer.

Congratulations of the Senate were extended to the Fountain Hill Hose Company by Senator Reibman.

Congratulations of the Senate were extended to James E. Mullen by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Harrington and to Mr. and Mrs. Wilmer Sollenberger by Senator Orlando.

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 195, 1510, HB 1143, 1374, 1586, 1587, 2358, 2470, 2534 and 2919.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS****WEDNESDAY, OCTOBER 1, 1980**

9:00 A.M. PROFESSIONAL LICENSURE (to consider Senate Bills No. 1362, 1441, 1588 and House Bill No. 1375)	Room 460, 4th Floor Conference Rm., North Wing
10:00 A.M. CONSUMER AFFAIRS (Public Hearing on the nomination of William H. Hansell, Jr., to the Public Utility Commission)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M. PUBLIC HEALTH AND WELFARE (to consider House Bill No. 2837)	Room 459, 4th Floor Conference Rm., North Wing

off the floor **APPROPRIATIONS** (to consider House Bills No. 769, 1252 and 1436)

THURSDAY, OCTOBER 2, 1980

9:00 A.M. AGRICULTURE & RURAL to AFFAIRS Subcommittee	Princess Rm., Genetti's Best
4:00 P.M. (Hearing on the proposed phaseout of Retreat State Hospital)	Western Inn, 77 E. Market St., Wilkes-Barre, PA

FRIDAY, OCTOBER 3, 1980

9:00 A.M. AGRICULTURE & RURAL to AFFAIRS Subcommittee	Princess Rm., Genetti's Best
4:00 P.M. (Hearing on the proposed phaseout of Retreat State Hospital)	Western Inn, 77 E. Market St., Wilkes-Barre, PA

WEDNESDAY, OCTOBER 8, 1980

9:00 A.M. SPECIAL SENATE COMMITTEE to investigate the Lottery, pursuant to Senate Resolution No. 102	Room 461, 4th Floor Conference Rm., North Wing
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THURSDAY, OCTOBER 9, 1980

9:00 A.M. AGRICULTURE & RURAL to AFFAIRS Subcommittee	Princess Rm., Genetti's Best
4:00 P.M. (Hearing on the proposed phaseout of Retreat State Hospital)	Western Inn, 77 E. Market St., Wilkes-Barre, PA

FRIDAY, OCTOBER 10, 1980

9:00 A.M. AGRICULTURE & RURAL to AFFAIRS Subcommittee	Princess Rm., Genetti's Best
4:00 P.M. (Hearing on the proposed phaseout of Retreat State Hospital)	Western Inn, 77 E. Market St., Wilkes-Barre, PA

TUESDAY, OCTOBER 14, 1980

10:00 A.M. SENATE SELECT COMMITTEE to recommend ways to electrify the Pittsburgh to Harrisburg Rail Corridor	Gold Room, Allegheny County Court House, Pittsburgh, PA
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ADJOURNMENT

Senator ZEMPRELLI. Mr. President, I move that the Senate do now adjourn until Wednesday, October 1, 1980, at 12:00 Noon, Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 9:40 p.m., Eastern Daylight Saving Time.