

Legislative Journal

TUESDAY, MAY 5, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 28

SENATE

TUESDAY, May 5, 1981.

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

THE PRESIDENT pro tempore (Henry G. Hager) in the Chair.

PRAYER

The Chaplain, Rabbi GARY KLEIN, of Temple Beth Israel, Altoona, offered the following prayer:

O God, we seek Your blessing today, as these our gifted and dedicated Leaders begin their deliberations for the afternoon.

Be with them as they labor on behalf of the citizens of our blessed Commonwealth and imbue them with exceptional wisdom and sensitivity, so that their service will be of benefit to each citizen of Pennsylvania.

Spare our Senators frustration as they engage in their noble task and grant them the joy of accomplishment, O God, for their aspirations coincide with Your highest view of humanity. Amen.

The PRESIDENT pro tempore. The Chair thanks Rabbi Klein, who is the guest this week of Senator Jubelirer. I particularly want to thank Rabbi Klein for his charitable opening about the gifted Members of the Senate. We all appreciate it but the public generally does not.

JOURNAL APPROVED

The PRESIDENT pro tempore. 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 JUBELIRER, further reading was dispensed with, and the Journal was approved.

SENATOR MESSINGER TO VOTE FOR SENATOR SMITH

Senator MESSINGER. Mr. President, at this time I request a legislative leave of absence for Senator Smith.

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

LEAVE OF ABSENCE

Senator MESSINGER asked and obtained leave of absence for Senator ANDREZESKI, for today's Session, for personal reasons.

BILLS INTRODUCED AND REFERRED

Senator MOORE presented to the Chair **SB 785**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for the payment of tax.

Which was committed to the Committee on LOCAL GOVERNMENT, May 5, 1981.

Senators SMITH, LYNCH, O'PAKE and MELLOW presented to the Chair **SB 786**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," changing the amount a manufacturer may spend for advertising.

Which was committed to the Committee on LAW AND JUSTICE, May 5, 1981.

Senators BODACK, PECORA and FISHER presented to the Chair **SB 787**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," increasing the rate of taxation on certain insurance companies doing business in Pennsylvania and providing for the distribution of the increased tax revenues.

Which was committed to the Committee on BANKING AND INSURANCE, May 5, 1981.

Senators HOWARD, HESS, MESSINGER, PECORA and REIBMAN presented to the Chair **SB 788**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-Fault Motor Vehicle Insurance Act," further providing for the manner of commencing an action to recover benefits.

Which was committed to the Committee on BANKING AND INSURANCE, May 5, 1981.

Senators ANDREZESKI, SINGEL, STAPLETON, PECORA, BODACK, ROSS and MURRAY presented to the Chair **SB 789**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for registration plates for National Guard members and retired National Guard members.

Which was committed to the Committee on TRANSPORTATION, May 5, 1981.

Senators ANDREZESKI, ROSS, MURRAY, HELFRICK, PECORA and O'PAKE presented to the Chair **SB 790**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the compensation of jurors.

Which was committed to the Committee on JUDICIARY, May 5, 1981.

Senators BELL and PECORA presented to the Chair **SB 791**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, allowing those at least 65 years of age to renew their driver's licenses annually.

Which was committed to the Committee on TRANSPORTATION, May 5, 1981.

Senator TILGHMAN presented to the Chair **SB 792**, entitled:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1981 to June 30, 1982 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981.

Which was committed to the Committee on APPROPRIATIONS, May 5, 1981.

GUESTS OF SENATOR RICHARD A. TILGHMAN PRESENTED TO THE SENATE

Senator TILGHMAN. Mr. President, I would like to introduce some guests in the gallery. There are some ladies here from the Bryn Mawr Hospital in Lower Merion Township and they are being guided by that "lady extraordinaire," Mrs. Richard A. Tilghman. If they would stand up, we would welcome them.

The PRESIDENT pro tempore. Diana, from all of us in the Senate to you, an affectionate welcome.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 158 (Pr. No. 159) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—44

Bell	Holl	Manbeck	Romanelli
Bodack	Hopper	Mellow	Ross
Corman	Howard	Messinger	Shaffer
Early	Jubelirer	Moore	Singel
Fisher	Kelley	Murray	Smith
Gekas	Kusse	O'Connell	Snyder
Greenleaf	Lincoln	O'Pake	Stapleton
Hager	Lloyd	Pecora	Stauffer
Hankins	Loeper	Price	Stout
Helfrick	Lynch	Reibman	Tilghman
Hess	McKinney	Rhoades	Wilt

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

HB 1043 CALLED UP OUT OF ORDER

HB 1043 (Pr. No. 1495) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL REREFERRED

HB 1043 (Pr. No. 1495) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

REPORTS OF COMMITTEE

Senator GEKAS, from the Committee on Judiciary, reported, as committed, **SB 455** and **496**; as amended, **SB 529** and **532**.

RESOLUTION REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported without amendment, House Concurrent Resolution **No. 48**, entitled:

Speaker of the House and President pro tempore of the Senate appoint a committee to the Interstate Committee on the Great Lakes.

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

RECESS

Senator JUBELIRER. Mr. President, on behalf of the gentleman from Lancaster, Senator Snyder, the Chairman of the Committee on Public Health and Welfare, he is asking that the Committee on Public Health and Welfare meet immediately, as we are about to recess, in the Rules Committee room at the rear of the Senate Chamber. He tells me this meeting will not last more than about ten to fifteen minutes.

I am requesting the Republican Members of the Senate report to the first floor caucus room at 1:30 p.m. sharp so we may begin deliberation of today's Calendar, trying to avoid the practices of the past where we have been in here very late and it is our hope that we will be back on the floor no later than 3:00 p.m.

Mr. President, at this time we would request a recess for those purposes.

Senator MESSINGER. Mr. President, there will be a Democratic caucus in the Minority caucus room beginning promptly at 1:30 p.m.

The PRESIDENT pro tempore. For the purposes of a Health and Welfare Committee meeting to take place immediately upon the recess of the Senate in the Rules Committee room and for a Republican and Democrat caucus which are to take place in their respective caucus rooms at 1:30 p.m., the Senate is now in recess.

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

GUESTS OF SENATOR HENRY G. HAGER PRESENTED TO SENATE

Senator HAGER. Mr. President, I have the honor of presenting to you from all over the State of Pennsylvania the members of the Pennsylvania Association of Hospital Auxiliaries who are here under the very expert guidance and tutelage of a wonderful gal from Lock Haven, Pennsylvania, which is part of my Senatorial District, Mrs. Shirley F. Klens.

Mr. President, I wonder if the Senate would extend to them our usual warm welcome?

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

(Applause.)

GUESTS OF SENATOR T. MILTON STREET PRESENTED TO SENATE

Senator STREET. Mr. President, I have the Majority Leader and the Minority Leader of the Strawberry Mansion Social Studies Class here with us today, Nadine Williams and Carlton Hanton.

The PRESIDENT. Will the guests of Senator Street please stand so the Senate may give you its traditional warm welcome?

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 161 (Pr. No. 826) — 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

Bell	Hopper	Mellow	Scanlon
Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Street
Hankins	Loeper	Reibman	Tilghman
Helfrick	Lynch	Rhoades	Wilt
Hess	McKinney	Romanelli	

Holl Manbeck Ross Zemprelli

NAYS—0

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

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

RECONSIDERATION OF SB 388

BILL RECOMMITTED

SB 388 (Pr. No. 742) — Senator JUBELIRER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 388, Printer's No. 742, failed of final passage on April 28, 1981.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 388 be recommitted to the Committee on Labor and Industry.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 388 will be recommitted to the Committee on Labor and Industry.

HB 686 TAKEN FROM THE TABLE

Without objection, Senator JUBELIRER called from the table **HB 686**, which was placed on the Calendar.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 277 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 484 (Pr. No. 491) — 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—30

Bell	Howard	Murray	Romanelli
Bodack	Kelley	O'Connell	Ross
Fisher	Lewis	O'Pake	Scanlon
Greenleaf	Loeper	Pecora	Shaffer
Hager	Lynch	Price	Singel
Hankins	Manbeck	Reibman	Stout
Helfrick	Mellow	Rhoades	Street
Holl	Messinger		

NAYS—17

Corman	Jubelirer	Moore	Stauffer
Early	Kusse	Smith	Tilghman
Gekas	Lincoln	Snyder	Wilt
Hess	Lloyd	Stapleton	Zemprelli
Hopper			

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

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

BILL OVER IN ORDER

HB 523 (Pr. No. 550) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

MOTION FOR BILL OVER IN ORDER

Senator JUBELIRER. Mr. President, I move that House Bill No. 523 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator EARLY. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator EARLY. Mr. President, is the gentleman aware of the fact that an amendment was sent to his caucus concerning House Bill No. 523?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, I suggest the question is out of order.

The PRESIDENT. For what purpose?

Senator BELL. For what purpose, Mr. President? What does it have to do with the bill?

The PRESIDENT. The Chair finds the gentleman's question is in order and he may proceed.

Senator JUBELIRER. Mr. President, I can answer it. I know what the question is. There are several amendments that were offered, one of which, frankly, I was going to offer to House Bill No. 523. Mr. President, I am aware.

Senator EARLY. Mr. President, is the gentleman aware of the fact this bill happens to be on the seventh day?

Senator JUBELIRER. The gentleman got new glasses and he can read.

Senator EARLY. Mr. President, does the gentleman know as of the tenth day this bill would automatically go off the Calendar and back into committee?

Senator JUBELIRER. Mr. President, I am familiar with such a rule.

Senator EARLY. Mr. President, is it the intention of the Majority Leader to prevent the amendments from being offered to this particular bill?

Senator JUBELIRER. Mr. President, that is for the Body to decide, it is not for me. I have a very important amendment that I would like to offer to this bill and I hope I get the opportunity to do so when House Bill No. 523 is ready to go at a later date.

Senator EARLY. Mr. President, since the gentleman is basically in agreement with me that we should offer amendments, would the gentleman from Blair, Senator Jubelirer,

retract his motion and give us an opportunity to amend this bill today?

Senator JUBELIRER. No, Mr. President.

Senator EARLY. Mr. President, would the gentleman indicate why he does not want this to be amended today?

Senator JUBELIRER. Mr. President, many times bills go over in their order. This bill is on the seventh day. There are Members of our caucus who would like a further opportunity to not only review the bill as Representative McVerry sponsored it, but also offer various amendments which have been proposed to this bill.

Senator EARLY. Mr. President, there is no doubt an attempt is being made to keep an amendment from being offered.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, I think the gentleman is out of order. I do not think that is germane on his motion to oppose the bill from going over.

Senator HOWARD. Mr. President, I have information which may resolve the dispute if parliamentary procedure permits me to comment.

The PRESIDENT. Will the gentleman from Allegheny permit the gentleman from Bucks to proceed?

Senator EARLY. Yes, Mr. President.

Senator HOWARD. Mr. President, I would like to advise both the gentleman from Allegheny, Senator Early, and the gentleman from Blair, Senator Jubelirer, that the meeting of the Committee on Finance which is scheduled as a result of a discussion we had in that same committee on Monday, has this as one of its agenda items, because I know the proposals of the gentleman from Allegheny, Senator Early, affect the issue of property taxes, that on that agenda will be the bills of the gentleman from Chester, Senator Stauffer, which deal with that same subject. Since that matter is so profound it seems more appropriate to try to deal with it in that kind of format. It might be helpful to the gentleman from Allegheny, Senator Early, to come to that meeting if the amendments do not go in at this point and deal with this issue in that meeting as a beginning point.

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

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

Senator HOWARD. I will, Mr. President.

Senator EARLY. Mr. President, is the gentleman aware of the fact the bill that he is going to deliberate on on Monday is not germane to an amendment that is being offered today that I am sure he discussed and, also, the bill that he is going to discuss on Monday is amending two different acts and the act he is going to discuss and the act that we are dealing with right now in House Bill No. 523.

Senator HOWARD. Mr. President, incidentally the meeting is Tuesday and if I said Monday, I am sorry. I misspoke myself. It is 11:00 a.m. on Tuesday.

Mr. President, I am not familiar with the specific sections of the code, but I am in a general way familiar with the content and the purpose of a variety of proposals that have been made in this Body, including that of the gentleman from Allegheny, Senator Early, and that of the gentleman from Chester, Senator Stauffer. I think it is the desire of the Committee on Finance to try to start movement on this important type of legislation. We felt that the meeting on Tuesday would provide that beginning. I am not specifically aware of what the gentleman is describing to me, but I do recognize the area of great interest those bills deal with and the gentleman's amendments deal with.

Senator EARLY. Mr. President, I will not belabor this any longer but I would like to continue the interrogation of the gentleman from Bucks, Senator Howard.

Mr. President, the gentleman indicated Tuesday and perhaps I was mistaken when I said Monday. Is the gentleman aware of the fact that when he does this on Tuesday, House Bill No. 523 will be on the ninth day which means that basically is the last day we can amend the bill and still vote it which means also, Mr. President, that the bill being discussed on Tuesday means absolutely nothing because at that time it will be too late to amend House Bill No. 523?

Senator HOWARD. Mr. President, I am aware of the mechanical information the gentleman has just provided. However, I cannot believe an issue that is so profound and so complex is going to be lost to the Senate as a matter of discussion simply because of the mechanical issues which the gentleman raises. I have a lot of trouble understanding why we should attempt to deal with something that is so important and is so far-reaching as an amendment rather than as an originating bill.

Senator EARLY. Mr. President, I cannot agree with the gentleman from Bucks, Senator Howard, that something as important as this should be handled in a bill. Is the gentleman aware bills have been introduced five months ago?

Senator HOWARD. Mr. President, this Senator has been aware of the fact this subject has been the subject of bills introduced eight years ago because I was cosponsor of several of them myself, so this is not novel to this Legislative Session. Like a lot of other people in this Body, including the gentleman from Allegheny, Senator Early, I think it is time we got this show on the road and our meeting on Tuesday is an effort to do just that.

Senator EARLY. Mr. President, I appreciate the indulgence of the Senate. I will not prolong this. I am asking that we cast a negative vote because it is tremendously obvious what the Republican side of the aisle is doing. Mr. President, I ask everyone to vote "no" on going over House Bill No. 523.

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

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

YEAS—25

Bell	Holl	Manbeck	Shaffer
Corman	Hopper	Moore	Snyder
Gekas	Howard	O'Connell	Stauffer
Greenleaf	Jubelirer	Pecora	Street

Hager	Kusse	Price	Tilghman
Helfrick	Loeper	Rhoades	Wilt
Hess			

NAYS—23

Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Smith
Fisher	Lynch	Reibman	Stapleton
Hankins	McKinney	Romanelli	Stout
Kelley	Mellow	Ross	Zemprelli
Lewis	Messinger	Scanlon	

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

The PRESIDENT. House Bill No. 523 will go over in its order.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 633 (Pr. No. 650) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Bell	Hopper	Mellow	Scanlon
Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 681 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER

SB 1 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 12 (Pr. No. 12) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 33 and HB 164 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 210 (Pr. No. 1490) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ZEMPRELLI offered the following amendment:

Amend Sec. 14 (Sec.925), page 13, line 30, by inserting after "code.": Nothing in this section shall be construed to allow loans which would not otherwise be permitted under section 915(k).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Sec. 11 (Sec. 915), page 10, line 22 by inserting after "renegotiable": or adjustable

Amend Sec. 11 (Sec. 915), page 11, lines 2 through 5 by striking out all of said lines and inserting: , the initial or base value of the reference index to be utilized shall be committed to the borrower at the same time that the initial contract interest rate is committed to the borrower and shall be entered in the loan documents as a contractual provision of the loan.

On the question,

Will the Senate agree to the amendments?

Senator LLOYD. Mr. President, these amendments, which it is my understanding have been agreed to, make a slight change in the manner in which people who are applying for mortgages acquire information regarding what their ultimate rate will be. The amendments help provide the person purchasing the residence in this case information which will tell them what the base value is at the time a commitment is made on the mortgage as opposed to the time of settlement. We feel this will help people better plan their personal finances.

Senator STAUFFER. Mr. President, I would like the Members on this side of the aisle to recognize the amendments the gentleman from Philadelphia, Senator Lloyd, has offered are amendments we had not seen until after caucus and did not have the opportunity to bring before the caucus. Since we have seen them and have had a chance to analyze them, the amendments appear to be in good order and we would recommend they be adopted.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

PERMISSION TO ADDRESS SENATE

Senator McKINNEY asked and obtained permission to address the Senate.

Senator McKINNEY. Mr. President, on Senate Bill No. 484, I was detained on a personal matter, and I would like to be voted as "yes" on Senate Bill No. 484.

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

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 306 (Pr. No. 308) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 330 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 376 (Pr. No. 748) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 12, by removing the comma after "judges" and inserting: and

Amend Title, page 1, line 12, by inserting a period after "directors"

Amend Title, page 1, lines 12 and 13, by striking out "or justices of the peace."

Amend Sec. 1, (Sec. 909), page 2, line 16, by striking out the bracket after "PETITION" where it appears the first time

Amend Sec. 1 (Sec 909), page 2, line 17, by inserting brackets before and after "JUDICIAL CANDIDATE" and inserting immediately thereafter: district justice

Amend Sec. 1 (Sec. 909), page 2, line 19, by striking out the bracket after "PARTY"

Amend Sec. 2, (Sec. 909), page 3, line 14, by striking out the bracket before "unless"

Amend Sec. 2 (Sec. 910), page 3, line 14, by inserting a bracket before "judge"

Amend Sec. 2 (Sec. 910), page 3, line 16, by inserting a bracket after "for"

Amend Sec. 2 (Sec. 910), page 3, line 17, by striking out the bracket after "peace"

Amend Sec. 3 (Sec. 976), page 5, line 6, by striking out the bracket before "except"

Amend Sec. 3 (Sec. 976), page 5, line 6, by inserting a bracket before "judge"

Amend Sec. 3 (Sec. 976), page 5, line 8, by inserting a bracket after "of" where it appears the first time

Amend Sec. 3 (Sec. 976), page 5, line 9, by striking out the bracket after "peace"

Amend Sec. 3 (Sec. 993), page 6, line 27, by striking out the bracket before "unless"

Amend Sec. 3 (Sec. 993), page 6, line 27, by inserting a bracket before "judge"

Amend Sec. 3 (Sec. 993), page 6, line 29, by inserting a bracket after "of" where it appears the first time

Amend Sec. 3 (Sec. 993), page 6, line 30, by striking out the bracket after "peace"

Amend Sec. 3 (Sec. 998), page 7, line 19, by striking out the bracket after "office"

Amend Sec. 3 (Sec. 998), page 7, line 20, by inserting a bracket before "judge"

Amend Sec. 3 (Sec. 998), page 7, line 22, by inserting a bracket after "of"

Amend Sec. 3 (Sec. 998), page 7, line 23, by striking out the bracket after "peace"

Amend Sec. 3 (Sec. 998), page 8, line 5, by striking out the bracket after "election"

Amend Sec. 3 (Sec. 998), page 8, line 6, by inserting a bracket before "judge"

Amend Sec. 3 (Sec. 998), page 8, line 8, by inserting a bracket after "of" where it appears the first time

Amend Sec. 3 (Sec. 998), page 8, line 8, by striking out the bracket after "peace"

Amend Sec. 4 (Sec. 1004), page 8, line 19, by striking out the bracket after "office"

Amend Sec. 4 (Sec. 1004), page 8, line 20, by inserting a bracket before "judge"

Amend Sec. 4 (Sec. 1004), page 8, line 22, by inserting a bracket after "of" where it appears the first time

Amend Sec. 4 (Sec. 1004), page 8, line 22, by striking out the bracket after "peace"

On the question,

Will the Senate agree to the amendments?

Senator LOEPER. Mr. President, this is a reconsideration of the amendments. They are the same amendments that were offered a few weeks back. They relate to removing district justices from the provisions of House Bill No. 376. Essentially my position was at that point, and still remains the same, that because of Supreme Court rulings that prohibit political activity on behalf of district justices and they do not have retention election basis, I believe they should be exempted from this bill.

Mr. President, I would urge my colleagues for a favorable vote on these amendments.

Senator MESSINGER. Mr. President, it is my feeling justices of the peace or magistrates should not be treated differently from other people. While House Bill No. 376 would accomplish the removal of the possibility of cross-filing by candidates and that would include all of them who are at the present time permitted to cross-file, we also have some other legislation in the process which would remove the possibility of retention elections. Then we would be back to where I think all of the candidates should be and that is, they should file for the office under their respective political parties to which they belong and if they wish to run again for the same office, they should go through the same process as every other elected official.

Mr. President, I would urge these amendments be defeated.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—31

Bell	Howard	Moore	Smith
Bodack	Kelley	Murray	Snyder
Early	Kusse	O'Pake	Stapleton
Fisher	Lewis	Price	Stauffer
Greenleaf	Loeper	Reibman	Stout

Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Mellow	Scanlon	

NAYS—17

Corman	Jubelirer	Messinger	Shaffer
Gekas	Lincoln	O'Connell	Singel
Hager	Lloyd	Pecora	Street
Holl	Manbeck	Rhoades	Tilghman
Hopper			

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

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.

GUESTS OF SENATOR EDWARD P. ZEMPRELLI PRESENTED TO THE SENATE

Senator ZEMPRELLI. Mr. President, it is with a great deal of pride that I call the Chair's attention to the fact there are fifty-two young students from the Rogers Elementary School in Glenshaw, Shaler Township, Allegheny County, Pennsylvania here today.

Mr. President, they are all fifth graders. No less than the Honorable Judge William F. Cercone has trumpeted their arrival here today. They were to call at my office only to find that I was busily working on the floor and I invited them to our Chamber. They are accompanied by their teachers, Mrs. Boland and Mrs. Entwisle.

There are also a couple of chaperones, not for the students, Mr. President, but for the teachers and they are, Mr. Linder and Mr. Neuser.

Mr. President, I would certainly appreciate it if we would be kind enough to extend to this wonderful group from Allegheny County our warm felicitations for their attendance.

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

(Applause.)

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 389, 409, 429 and 430 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 433 (Pr. No. 439) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Bill, page 2, lines 7 and 8, by striking out both of said lines and inserting:

upon documentation of any of the following conditions:

- (1) High accident pattern.
- (2) Restricted sight distance.
- (3) Complex geometrics.
- (4) Unusual traffic flow.
- (5) High traffic volume.
- (6) Speed control requirements.
- (7) Necessity of maintaining uniform traffic flow.

Section 2. This act shall take effect immediately but the provisions of 75 Pa.C.S. § 6128(a) shall not be implemented for a period of six months following enactment. During the six month interim period, municipalities and district engineers may make application to the department and the department shall act on such applications for optional operation of traffic control signals as authorized by 75 Pa.C.S. § 6128(b). If a municipality or district engineer makes application for optional operation of a traffic signal during the six month interim period, the provisions of 75 Pa.C.S. § 6128(a) shall not take effect as to that traffic signal for a period of 60 days after the application is submitted.

On the question,

Will the Senate agree to the amendment?

Senator FISHER. Mr. President, this amendment actually has two parts to it. One was a change in the effective date which I did not have ready when the bill was considered by the Committee on Transportation, so I promised I would offer it on the floor. It staggers the effective date to give municipalities a six-month period to make applications to be exempted from the requirement that the lights be turned to flashing between the hours of midnight and 6:00 a.m.

Mr. President, the first part of this amendment sets out some conditions upon which the Department of Transportation will determine whether or not the municipalities should be entitled to an exemption from the flashing lights during those hours. I have provided a copy to both caucuses and I would urge its adoption.

Senator ZEMPRELLI. Mr. President, I have no reason to believe that the amendments are not agreed to.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

PERMISSION TO ADDRESS SENATE

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

Senator ZEMPRELLI. Mr. President, in the introduction of the students from Shaler Township, the reason why I took the privilege of doing that, I did not believe the gentleman from Allegheny, Senator Early, was on the floor at the time. He was however and I do want the Senate to know that it is the district of the gentleman from Allegheny, Senator Early, and not mine, where Shaler Township is located.

SENATOR JUBELIRER TO VOTE FOR SENATOR WILT

Senator JUBELIRER. Mr. President, Senator Wilt was called off the floor and has a meeting in the Governor's office. I am requesting legislative leave for him and I will be voting him.

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

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION AMENDED

SB 521 (Pr. No. 766) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ZEMPRELLI offered the following amendments:

Amend Title, page 1, line 3, by inserting a period after "ADMINISTRATION"

Amend Title, page 1, lines 3 through 5, by striking out "AND removing" in line 3 and all of lines 4 and 5

Amend Sec. 1, page 1, line 8, by striking out "AMENDMENTS" and inserting: amendment

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

Amend Sec. 1, page 1, line 11, by striking out "AND sections 13 and 15 of"

Amend Bill, page 2, lines 18 through 30; page 3, lines 1 through 30; page 4, lines 1 through 30 and page 5, lines 1 through 4, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, the bill before us for consideration and the amendments offered would simply amend the bill so that retention elections are continued. Originally the intent of the bill was to take away retention from judges and justices per se. The bill was then amended to require compliance with the Ethics Code by justices which would abrogate an opinion of the Supreme Court, I believe, relative to the need for justices to comply.

This amendment, Mr. President, would change the original intent of the bill and put back retention, meaning the privilege of retention would be extended to the judges and justices of the Commonwealth of Pennsylvania of the various courts. That is not to suggest it would be extended to justices of the peace in this bill. That simply is what the amendments do.

Senator HAGER. Mr. President, since both the Majority and Minority Leaders seem to favor retention elections, I feel somebody should speak in favor of the original bill and against these amendments.

Mr. President, the arguments are well known in this Chamber. The fact is since we have had the retention system, the people of this Commonwealth have overwhelmingly indicated they did not know what they were voting for in the Constitutional Convention. All this bill would do is give them the opportunity, because it calls for a constitutional amendment, to have another stab at the issue of whether they want judges to run on retention or seek election as the rest of us do.

Mr. President, it does not end retention, it merely creates the opportunity for the Commonwealth to take another look at this issue. I for one think retention has been a disaster. The only judges who have been defeated are those who have been bold enough to take unpopular but correct positions and have found themselves without any political support except the endorsement of the local Bar Association, which is tantamount to defeat.

Mr. President, I recommend these amendments be defeated and the bill be passed.

Senator ZEMPRELLI. Mr. President, the genesis of the subject matter before us is one that was exercised through the tedious process of a constitutional amendment. I recall the process involved five different subject matters at the time the convention was called and many of us campaigned vigorously against these amendments. What I am suggesting is in the wisdom of the people of this Commonwealth duly advised, these amendments were probably the most significant constitutional amendment ever passed or series of constitutional amendments ever passed. I would think there was a more informed electorate the last time these constitutional amendments were considered than there was at any other time in the history of this Commonwealth. As a result of that electorate deliberation the constitutional amendment was passed providing for the retention that judges and justices now enjoy because I think what the people of Pennsylvania were saying was we want to take the judicial system out of politics as much as possible.

Unfortunately, Mr. President, and perhaps maybe fortunately—who am I to judge—it turns out some of us are disenchanted by the fact that the electorate process in the first instance has provided judges of a stature that fall substandard to that which we would, I think, prefer in any given situation where we had the privilege of selection in our own right. As amazing as it may sound or seem, there were a number of times when the innocuous, faceless, bloodless Mr. No won the election. We can point, with a degree of pride I guess, because my original suspicion was that never in the history would a human being lose to a faceless, bloodless Mr. No, but it happened. The conclusion and the bottom line I would make would be to suggest the system works, the people wanted it and there is no reason for us to embark upon the rocky road of endeavoring to make another constitutional amendment to change that system. Mr. President, it is worth a longer try than we are giving it.

Mr. President, I would ask the Senate to unanimously adopt the amendments that I have suggested.

Senator HAGER. Mr. President, while I think all of the gentleman's arguments are refutable, and that was refutable, not reputable, I would like to pass that for the moment.

CONSTITUTIONAL POINT OF ORDER

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

The PRESIDENT. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, according to Article III, Section 1 of the Constitution, "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

The original purpose of Senate Bill No. 521, Mr. President, is to get rid of retention elections. These amendments are to reinstate retention elections. That certainly completely alters the original intention of the bill. I raise the constitutional point of order as to whether these amendments should be considered by the Senate.

The PRESIDENT. The question before the Senate is the point of order raised by the gentleman from Lycoming, Senator Hager, that the amendments offered by Senator Zemprelli are unconstitutional and that they violate Article III, Section 1 of the Constitution of Pennsylvania, which provides "No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House, as to change its original purpose. Those voting "aye" will vote to sustain the point of order thereby declaring the amendments unconstitutional; those voting "no" will vote the point of order is not well taken and thereby declare the amendments are constitutional.

Senator HAGER. Mr. President, there may be those, and I assume there are those who do favor the retention of retention elections. What we are talking about now on this issue is really the constitutional question of whether you may offer an amendment which not only eviscerates or guts the original purpose of the bill but totally turns it around and totally reverses it. Those Members who do not like the idea of judges going back to partisan elections, I would respectfully request in deference to the Constitution and the Rules and procedures of this Body, may vote against this bill but we should not because of our feelings on one side or another of an issue vote to just say the Rules of this Senate and the Constitution of Pennsylvania do not mean anything.

Mr. President, I would ask the Members to vote to sustain the Constitution and the Rules, that these amendments are violative of the Constitution of the Commonwealth of Pennsylvania. It is a very simple concept. Senate Bill No. 521 was to get rid of retention elections; the amendments make the bill continue retention elections. The amendments totally destroy the original concept of Senate Bill No. 521.

Senator ZEMPRELLI. Mr. President, I would caution the gentleman and I would caution the Members of the Senate, the Rule the gentleman would have the Senate impose with respect to the amendments I have offered is one that has been given great latitude over the years. Mr. President, I suggest when you live by the sword, you die by the sword.

Mr. President, I could call attention to many, many instances where the principle that is now being objected to was looked upon with great favor in the advancement of legislation in these Chambers and the gray hairs on my head can count the number of times that that particular process was invoked in order to accomplish an end. As late as the passage of the recent tax bill, the same arguments are being made here and now very cogently could be made with respect to that

same legislative process that put in place the taxes we now have before us.

Mr. President, I suggest again, and to conclude, when you live by the sword, you have to be prepared to die by the sword. That is what we are being asked to do at this particular time and it is a decision this Chamber will be making that will stand indelibly upon the records of this Chamber as to future action and those things which are prospective.

Therefore, Mr. President, I issue a caveat: Do not go lightly on the propositions that have become sacred to this institution and the method by which we should conduct the business of this Chamber and one would conclude on those ramifications and by that criteria that we should not declare these amendments unconstitutional for the effect it would have on the bill before us.

Senator BELL. Mr. President, I wondered why the Minority Leader and I wore the same color tie today. I thoroughly agree with the Minority Leader because if we are going to set a new principle, we cannot gut a bill that would render unconstitutional the extension of the personal net income tax and the corporate net income tax bill which I think was House Bill No. 524, because we gutted that bill. We have from time immemorial here gutted bills as long as they are on the same subject matter and it is very interesting to note the Supreme Court has upheld our action.

Senator HAGER. Mr. President, both the Minority Leader and the gentleman from Delaware, Senator Bell, are woefully incorrect. We did not gut the bill. It was a House bill which included some property tax or some kind of tax reform which we retained entirely and merely added to it the extension of the corporate net income tax and personal income tax, so they are both just wrong on their facts, Mr. President.

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, the President pro tempore in his raising the question of constitutionality was referring to a provision of the Rules that relate to a bill. I would call the Chair's attention to the fact that the subject matter before us is not a bill, it is a joint resolution.

Therefore, Mr. President, I would request the Chair to rule as to whether or not any provision that would appertain to the constitutionality of the bill would equally pertain to a joint resolution. Stated in another way, Mr. President, does a joint resolution enjoy the same standing with respect to the prohibitions that we are discussing here as a bill before the Senate?

The PRESIDENT. The gentleman raises a constitutional point of order which the Chair believes is implied in the point of order that is currently before the Senate and would leave the decision on that point of order to the Senate as part of their decision on this constitutional point of order.

PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, do I understand the Chair's position and response to the point of order of the gentleman from Allegheny, Senator Zemprelli, that the Chair is saying he is going to let that decision up to the Body, therefore, by implication, denying the point of order as being a point of order, but rather as it being a constitutional point of order?

The PRESIDENT. That is correct.

Senator KELLEY. Mr. President, since you have made a ruling, and I do not like to confuse and complicate a situation, but I do, with some degree of hesitancy, suggest as a further point of parliamentary inquiry, the Chair entertain an appeal of the decision just made on the point of order of the gentleman from Allegheny, Senator Zemprelli.

The PRESIDENT. The Chair did not rule on the gentleman's point of order.

Senator KELLEY, Mr. President, by implication the Chair in its response to my previous inquiry indicated that the Chair treated the request of the gentleman from Allegheny, Senator Zemprelli, as a constitutional point of order. I am wondering if the Chair would entertain an appeal of that to place it in its proper category which would have to be treated by the Body on the issue of the appeal meaning whether or not there is by the determination of this Body a distinction to be made as the gentleman from Allegheny, Senator Zemprelli, made a distinction in the Constitution between a bill becoming statutory law or a joint resolution to be presented to the electorate of this Commonwealth for passage and inclusion in the Commonwealth or rejection thereof.

The PRESIDENT. The Senate will be at ease. Will the gentleman approach the rostrum?

(The Senate was at ease.)

The PRESIDENT. The question before the Senate is, is the point of order raised by Senator Hager, that the amendments offered by Senator Zemprelli are unconstitutional in that they violate Article III, Section 1 of the Constitution of Pennsylvania? Those voting "aye" will vote to sustain the point of order; those voting "no" will vote that the point of order is not well taken.

Senator ZEMPRELLI. Mr. President, a little earlier, I alluded to a caveat upon the Senate for how it would embrace the issue that is before us at this time as establishing a precedent. I would call attention to the fact that Senate Bill No. 405 of recent vintage, so recent the print is not yet settled upon the paper I am handling in this documentation that I have before me, and so explicit was the violation of the principle that the gentleman would now impose upon us is that the only thing that remains in this bill is Senate Bill No. 405 and then as careful as one with the best surgical instrument in the world dissected every word from Senate Bill No. 405 and superimposed an entirely new bill, including the title. Stated in another way, you gutted it. Stated in another way, you did not leave anything. Mr. President, if the arguments of the President pro tempore are relevant as to the changing of the subject matter, the demise of a bill would lend itself to the same conclusion and consistent to the same argument.

Again, Mr. President, I say to you, and as I say to every Member of the Senate, our concern should be here with a certain consistency because when we lose consistency in the actions we take because they become matters of convenience, Mr. President, then we destroy the system. I am afraid that is what we are about to embark upon.

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator STREET. Mr. President, on the bill that the gentleman just alluded to that was gutted, was the question of constitutionality raised on Senate Bill No. 405 on the floor of the Senate?

Senator ZEMPRELLI. Mr. President, I do not believe it was. But ab initio and by sua sponte, the President of this Chamber recognizing the importance of consistency and regularity as he is so jealous of his guardianship and stewardship of this Chamber, would have recognized it had he considered it a problem.

Senator STREET. Mr. President, the point I want to make is this: If I understand it, the gentleman from Lycoming, Senator Hager, has raised a question as to whether these amendments gut the original intent of the bill in question. I say any argument that is made or any action that has been taken by this Senate where the question of constitutionality has not been brought forward, I do not believe is a good argument to use to oppose the question when it is brought to the floor of the Senate.

Mr. President, I would suggest from now forward that the Minority Leader follow the bills very carefully and when an amendment comes up that will gut a bill that the gentleman should very appropriately raise the question of constitutionality before the fact and not after the fact.

Senator BELL. Mr. President, the gentleman from Lycoming, Senator Hager, questioned my memory on the tax bill. Maybe the gentleman is right. He is more of an expert on taxes than I am. I do know one thing, by a Committee of Conference report a bill was gutted last year that reinserted the General Appropriations bill and anybody who votes to sustain the gentleman from Lycoming, Senator Hager, I suggest they might be subject to having to pay back their salaries, as illegally received.

Senator ZEMPRELLI. Mr. President, I suggest as a response to the gentleman from Philadelphia, Senator Street, I find no fault with what was done with Senate Bill No. 405. I find no fault obviously with the amendments I now propose because they are consistent with one another and they are also consistent with my position. I find no fault in following the process with the General Appropriations bill that was passed last year and the method as described so vividly by the gentleman from Delaware, Senator Bell.

Senator JUBELIRER. Mr. President, I am somewhat confused on the remarks of the gentleman. The gentleman from Allegheny, Senator Zemprelli, refers to Senate Bill No. 405. I am looking at Senate Bill No. 405 and it did not do

what the gentleman said it did. Senate Bill No. 405 was, as I said, a Senate bill amending the Administrative Code of 1929, and providing for reimbursement by the Department of State, the County Boards of Elections for the costs incurred for Special Elections in making an appropriation. It did make an appropriation for that purpose. It passed the Senate 45-0 unamended. It then went to the House where they amended in the up to the \$100,000 and added in the Administrative Code provision, but that was done over in the House and it came back to us for concurrence.

Mr. President, I do not think that is quite the same thing. I think the problem we face here as we have faced many times is there has not been a consistency that we have seen in this Body. However, Mr. President, I think the important thing is we look at the ruling and determine the constitutionality of the amendments based on today. Hopefully we would vote on the constitutionality of the amendments each time it is challenged or raised in a constitutional point of order. Mr. President, I do not think Senate Bill No. 405 adds to that.

The PRESIDENT. On the point of order, the Clerk will call the roll. Those voting "aye" will vote to sustain Senator Hager's point of order. Those voting "no" will vote that the point of order is not well taken and the amendment is constitutional.

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

YEAS—25

Corman	Holl	Manbeck	Shaffer
Fisher	Hopper	Moore	Snyder
Gekas	Howard	O'Connell	Stauffer
Greenleaf	Jubelirer	Pecora	Street
Hager	Kusse	Price	Tilghman
Helfrick	Loeper	Rhoades	Wilt
Hess			

NAYS—23

Bell	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Romanelli	Stout
Kelley	Mellow	Ross	Zemprelli
Lewis	Messinger	Scanlon	

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

The PRESIDENT. The amendment has been declared unconstitutional.

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

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, with respect to the provision of constitutionality, does a joint resolution approximate a bill in standing?

The PRESIDENT. Yes.

Senator ZEMPRELLI. Mr. President, I would call attention to the fact that the Rule provides specifically, Mr. President, Section 1, I am reading now from procedure in the Constitution, Article III, Section 1, "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

Mr. President, I am suggesting to the Chair with all the sincerity that I can engender that a joint resolution is not a law and if it were, it would be a bill and not a resolution.

The PRESIDENT. The ruling of the Chair is this joint resolution is a bill. It is in bill form, Senate Bill No. 521, Printer's No. 766 and, therefore, it is appropriately considered under Article III, Section 1 of the Constitution.

Senator ZEMPRELLI. Mr. President, under the fear that failure to object to the ruling of the Chair would be in effect an acceptance of that ruling, I am therefore appealing the ruling of the Chair and ask that we stand at ease.

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

The PRESIDENT. The Chair reverses its ruling on the gentleman's point of order. The Chair finds there is no order of business which makes this point of order relevant at this time. The order of business in front of the Senate is, will the Senate agree to the bill. The question before the Senate is, will the Senate agree to the bill?

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.

BILLS OVER IN ORDER

SB 572 and 601 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 608 (Pr. No. 625) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 618, 671, 710, 711, 712 and 725 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY**

May 5, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 1981 for the appointment of Richard Lowell Nygaard, Esquire, 59 Gibson Street, North East 16428, Erie County, Forty-ninth Senatorial District, as Judge of the Court of Common Pleas of the Sixth Judicial District of Pennsylvania, composed of the County of Erie, pursuant to Act 106, approved July 10, 1980, to serve until the first Monday of January, 1982.

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

DICK THORNBURGH.

**NOMINATION BY THE GOVERNOR
REFERRED TO COMMITTEE**

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

**JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY**

May 5, 1981.

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 Lowell Nygaard, Esquire, 59 Gibson Street, North East 16428, Erie County, Forty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Sixth Judicial District of Pennsylvania, composed of the County of Erie, to serve until the first Monday of January, 1984, vice The Honorable Edward Carney, resigned.

DICK THORNBURGH.

RECESS

Senator JUBELIRER. Mr. President, I request a very brief recess of the Senate for the purposes of reconvening the meeting of the Committee on Rules and Executive Nominations immediately in the rear of the Senate Chamber in the Rules Committee room. I do not anticipate that meeting to take more than three or four minutes. We will then return to the floor to proceed with executive nominations.

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

AFTER RECESS

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

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

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

**MEMBER OF THE STATE BOARD OF
CHIROPRACTIC EXAMINERS**

March 23, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 16, 1981, for the appointment of Jack L. Guilliams, D.C., 102 East Main Street, Fredericksburg 17026, Lebanon County, Forty-eighth Senatorial District, as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1982, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Doctor B. P. Fitterer, Palmyra, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

April 22, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 13, 1981 for the appointment of William A. Corbishley (Public member), R. D. 1, Box 491, Chadds Ford 19317, Delaware County, Nineteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, pursuant to Act 292, approved November 26, 1978.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

April 29, 1981

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 13, 1981, for the appointment of Charles F. Hill, R. D. 1, Orrstown 17244, Franklin County, Thirty-third Senatorial District, as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice George R. Brindle, Chambersburg, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE BERKS COUNTY
BOARD OF ASSISTANCE**

April 22, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 13, 1981 for the appointment of Wilfred S. McCalla, Jr. (Nonpartisan), 116 Colonial Drive, Shillington 19607, Berks County, Eleventh Senatorial District, for appointment as a member of the Berks County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified, vice Sheila Slimmer, Wyomissing, whose term expired.

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

DICK THORNBURGH.

**JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY**

May 5, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 1981 for the appointment of Richard Lowell Nygaard, Esquire, 59 Gibson Street, North East 16428, Erie County, Forty-ninth Senatorial District, as Judge of the Court of Common Pleas of the Sixth Judicial District of Pennsylvania, composed of the County of Erie, pursuant to Act 106, approved July 10, 1980, to serve until the first Monday of January, 1982.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

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

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

**JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY**

May 5, 1981.

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 Lowell Nygaard, Esquire, 59 Gibson Street, North East 16428, Erie County, Forty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Sixth Judicial District of Pennsylvania, composed of the County of Erie, to serve until the first Monday of January, 1984, vice The Honorable Edward Carney, resigned.

DICK THORNBURGH.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Richard Lowell Nygaard, Esquire, as Judge of the Court of Common Pleas, Erie County.

Mr. President, I also call from the table for consideration certain nominations previously reported from committee and laid on the table for Anita B. Brody and William Hendricks Yohn, Jr., as Judges of the Court of Common Pleas, Montgomery County.

The Clerk read the nominations as follows:

**JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY**

February 27, 1981.

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 Anita B. Brody, J.D., 438 Bryn Mawr Avenue, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-eighth Judicial District of Pennsylvania, composed of the County of Montgomery, to serve until the first Monday of January, 1982, vice The Honorable Milton O. Moss, deceased.

DICK THORNBURGH.

**JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY**

February 27, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William Hendricks Yohn, Jr., J.D., Crestwood Drive, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-eighth Judicial District of Pennsylvania, composed of the County of Montgomery, to serve until the first Monday of January, 1982, pursuant to Act 106, approved July 10, 1980.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

Bell	Hopper	Mellow	Scanlon
Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

**MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE**

April 6, 1981.

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 Hamilton G. Reeve (Republican), Pawling Road, Valley Forge 19481, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Chester County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE COLUMBIA COUNTY
BOARD OF ASSISTANCE**

March 13, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William M. Soberick (Republican), 812 East Sixteenth Street, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY BOARD OF ASSISTANCE

April 8, 1981.

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 Herman Krevsky (Republican), 3201 North Front Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice The Reverend Kendig Bergstresser, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY BOARD OF ASSISTANCE

April 8, 1981.

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 Edward C. Leonard (Republican), 19 River Road, Dauphin 17018, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice James J. Ravenell, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE LUZERNE COUNTY BOARD OF ASSISTANCE

February 27, 1981.

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 Charles F. Gommer, Jr. (Republican), 784 Market Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified, vice David A. Donlin, Hazleton, resigned.

DICK THORNBURGH.

MEMBER OF THE SOMERSET COUNTY BOARD OF ASSISTANCE

March 3, 1981.

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 Vera M. Lohr (Republican), R. D. 3, Stoystown 15563, Somerset County, Thirtieth Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Dale Gower, Confluence, whose term expired.

DICK THORNBURGH.

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

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

YEAS—48

Bell	Hopper	Mellow	Scanlon
Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

March 16, 1981.

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 S. Taylor (Architect) 209 North Craig Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Examiners of Architects, to serve for a term of six years and until his successor shall have been appointed and qualified, vice Henry T. Gray, Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

March 16, 1981.

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 Joan Host (Consumer), R. D. 4, Box 14 B, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of two years and until his successor is appointed and qualified, pursuant to Act 224, approved December 18, 1980.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA
CANCER CONTROL, PREVENTION
AND RESEARCH ADVISORY BOARD**

March 16, 1981.

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 Dana Lundquist (Hospital Administration), 6492 Field Valley Lane, Fairview 16415, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 224, approved December 18, 1980.

DICK THORNBURGH.

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

March 24, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth D. Hill, 1476 Hancock Lane, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Reverend Jacob L. Chatman, Coatesville, resigned.

DICK THORNBURGH.

**MEMBER OF THE STATE DENTAL
COUNCIL AND EXAMINING BOARD**

March 13, 1981.

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 Wilbur E. Trexler (Public Member), Sanbrook Apartments A-8, R. D. 7, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Dental Council and Examining Board, to serve for a term of six years and until his successor shall have been appointed and qualified, vice Mrs. Nan M. Lansinger, Rosemont, resigned.

DICK THORNBURGH.

**MEMBER OF THE STATE DENTAL
COUNCIL AND EXAMINING BOARD**

March 13, 1981.

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 Eli Stavisky, D.D.S., 700 Glenburn Road, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Dental Council and Examining Board, to serve for a term of six years and until his successor shall have been appointed and qualified, vice Doctor Leon Penzur, Philadelphia, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY**

March 16, 1981.

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 Lawrence F. Klima, 4622 Highview Boulevard, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of The Pennsylvania Industrial Development Authority, to serve until August 20, 1987, and until his successor shall be duly appointed and qualified, vice Edward M. Petsonk, Altoona, whose term expired.

DICK THORNBURGH.

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

April 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable James E. Mullen, 501 Macoby Street, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Kutztown State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Mrs. Renee L. Dietrich, Wyomissing, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA
STATE UNIVERSITY**

March 16, 1981.

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 Cecile Springer, 5665 Bartlett Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1983, and until her successor is appointed and qualified, vice The Honorable Joseph Rhodes, Jr., Pittsburgh, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY EXAMINERS**

March 16, 1981.

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 M. Alease Jordan (Public Member), 5605 West Berks Street, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Physical Therapy Examiners, to serve for a term of three years and until her successor is appointed and qualified, pursuant to Act 292, approved November 26, 1978.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
EXAMINERS OF PUBLIC ACCOUNTANTS

April 3, 1981.

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 David Hanna, C.P.A., (Western), Box 358, R. D. 2, Meade Drive, Belle Vernon 15012, Washington County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Examiners of Public Accountants, to serve for a term of four years and until his successor is appointed and qualified, vice Samuel Horovitz, C.P.A., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

March 13, 1981.

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 Barthalomew Tullio, R. D. 1, Scottdale 15683, Westmoreland County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Samuel D. DePasquale, Latrobe, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF WEST CHESTER STATE COLLEGE

March 16, 1981.

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 Constance E. Clayton, 430 East Sedgwick Street, Philadelphia 19119, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of West Chester State College, to serve until the third Tuesday of January, 1983, and until her successor is appointed and qualified, vice Marion Cole Staves, Kennett Square, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF WEST CHESTER STATE COLLEGE

March 27, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles J. Kenkelen, 3827 Oak Road, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of West Chester State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Stanley J. Lieberman, West Chester, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli
Hopper	Mellow	Scanlon	

NAYS—1

Bell

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator SNYDER, from the Committee on Public Health and Welfare, reported, as amended, **SB 18** and **361**.

RESOLUTION REPORTED FROM COMMITTEE

Senator SNYDER, from the Committee on Public Health and Welfare, reported without amendment, Senate Concurrent Resolution, **Serial No. 210**, entitled:

Urging Governor declare week of May 3rd to May 9th as "Abstinence Week."

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

CONGRATULATORY RESOLUTION

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

Congratulations of the Senate were extended to the News-Herald of Perkasio by Senator Howard.

SENATE RESOLUTIONS

AMENDING SENATE RULE 35,
SUBDIVISION V, SECTION 1

Senator BELL offered the following resolution (Serial No. 40), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 5, 1981.

RESOLVED, That Senate Rule XXXV, Subdivision V, section 1 be amended by adding a subsection to read:

XXXV ACCOUNTING FOR APPROPRIATIONS

* * *

V - District Office Expenses

1. Expenses authorized shall include:

* * *

(k) Compensation of stenographers and clerks employed on a part-time basis.

* * *

REQUESTING ADMINISTRATOR OF
VETERANS AFFAIRS TO ESTABLISH
A STATE VETERANS CEMETERY IN
ALLEGHENY COUNTY

Senators BODACK, LINCOLN, ZEMPRELLI, SCANLON, ROMANELLI, PECORA, FISHER and EARLY offered the following resolution (Serial No. 41), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, May 5, 1981.

WHEREAS, Public Law 95-476 (92 Stat. 1497), the Veterans Housing Benefits Act of 1978, authorized the Administrator of Veterans Affairs to make grants to any state to assist such state in establishing, expanding or improving veterans cemeteries owned by such state; and

WHEREAS, The act authorizes the appropriation of \$5,000,000 for fiscal year 1980 and for each of the four succeeding fiscal years to provide for such assistance; and

WHEREAS, The County of Allegheny has a veteran population of over 250,000 and is the second largest county in the Commonwealth of Pennsylvania; and

WHEREAS, There is a veteran population of approximately 700,000 in the counties of the western sector in the Commonwealth of Pennsylvania; and

WHEREAS, The Senate of Pennsylvania wishes to reflect its concern for honorably discharged veterans, who were legal residents of Pennsylvania at the time of death, to have a final resting place with the members of their immediate family within their own State, and near their home; and

WHEREAS, Public Law 95-47 provides a plot allowance of \$150 payable where the cemetery is owned and operated by a state; and

WHEREAS, The Senate of Pennsylvania is sincerely interested in a suitable State Veterans Cemetery site within Allegheny County to accommodate the burial needs of those heroic individuals who served their country; therefore be it

RESOLVED, That the Senate of Pennsylvania does hereby endorse the decision of the County of Allegheny Veterans Advisory Council, to request from the Administrator of Veterans Affairs, that a State Veterans Cemetery be established in Allegheny County.

BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. 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 18, 361, 455, 496, 529 and 532.

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, the Senate by its vote on the constitutional question this afternoon has completely changed the procedure in this Body.

Mr. President, in my twenty-six years as a Member I have seen many times when the contents of a bill were completely removed and new legislation inserted. This is commonly called gutting a bill. As long as the contents pertain to the same general subject, this was always recognized as constitutional.

This is commonly done every time an appropriations bill goes through the Senate, the House and the conferees get together and they come in and produce a completely new body for a carrier bill. Mr. President, I have known it to happen to tax bills. I am right now sorely perplexed on a bill within our own Committee on Consumer Protection and Professional Licensure. We have four precious metal bills. For the past month our staff has been working, together with people not on our staff, to produce the best possible refined bill that would control the operation of shops that buy stolen articles of gold and silver. Our method was to take one of the bills to remove its contents and then superimpose under the title of the bill a new bill along the same principles but completely rewritten.

Mr. President, I take this as a mandate from the Senate of Pennsylvania that my committee cannot do that. This means instead of taking that procedure, we will have to have new legislation introduced, new legislation referred and a general loss of time and inefficiency. Again as I say, Mr. President, as the one Republican who voted with the other side, because I think I know the constitutional provisions of our Constitution, I think this afternoon is going to establish a very poor precedent. I think those who voted to prohibit the use of conference committees, to prohibit the right of a committee to superimpose 100 per cent contents inside of a bill, I think they are going to live to regret their action.

SENATE CONCURRENT RESOLUTION,
SERIAL NO. 210, TAKEN FROM THE TABLE

Without objection, Senator SNYDER called from the table Senate Concurrent Resolution, Serial No. 210, and asked for its immediate consideration.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 210, ADOPTED**

Senator SNYDER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 210.

The motion was agreed to and the resolution was adopted.

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly Adjournment.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 6, 1981

10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 147, 190, 384, 385 and 719)	Room 459, 4th Floor Conference Rm., North Wing
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MONDAY, MAY 11, 1981

11:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 319, 541, 622; House Bills No. 227, 261, 534, 644 and 702)	Room 459, 4th Floor Conference Rm., North Wing
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TUESDAY, MAY 12, 1981

11:00 A.M.	FINANCE (to consider Senate Bills No. 530, 531, 704 and 725)	Room 460, 4th Floor Conference Rm., North Wing
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THURSDAY, JUNE 4, 1981

9:30 A.M.	JUDICIARY (Public Hearing on Senate Bill No. 194)	Room 461, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Monday, May 11, 1981, at 2:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:32 p.m., Eastern Daylight Saving Time.