

Legislative Journal

TUESDAY, JUNE 16, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

TUESDAY, June 16, 1981.

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

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

PRAYER

The Chaplain, the Reverend GEORGE E. HEIN, JR., Pastor of the Altalaha Lutheran Church, Rehrersburg, offered the following prayer:

Let us pray.

Almighty and everlasting God, who makes us both to will and to do those things which are good and acceptable to You, let Your fatherly hand, we ask You, always be over us.

Let Your spirit be with us.

And so lead us in the knowledge and obedience of Your word.

We thank You for the opportunities of this day and we ask Your help in fulfilling our responsibilities.

Bless those who hold office in the government of this Commonwealth that they may do their work in a spirit of wisdom, kindness and justice. Help them use their authority to serve faithfully and to promote the general welfare of all.

Through Your son, Jesus Christ, we pray. 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 JUBELIRER, further reading was dispensed with, and the Journal was approved.

SENATOR JUBELIRER TO VOTE FOR SENATOR HAGER

Senator JUBELIRER. Mr. President, although Senator Hager is here at this time, he advises me that he will be in and out on legislative business. For the times that he is on legislative business, I request a legislative leave.

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

SENATOR SCANLON TO VOTE FOR SENATOR REIBMAN

Senator SCANLON. Mr. President, I request a legislative leave for Senator Reibman.

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

LEAVE OF ABSENCE

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

BILLS INTRODUCED AND REFERRED

Senators HOWARD, MANBECK, TILGHMAN, LEWIS, MESSINGER, HAGER, CORMAN, HOPPER, STAUFFER, SNYDER, STREET, PRICE, FISHER, HELFRICK, RHOADES, O'CONNELL and SHAFFER presented to the Chair **SB 918**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for membership on the State Employees' Retirement Board and the Public School Employees' Retirement Board.

Which was committed to the Committee on FINANCE, June 16, 1981.

Senators HELFRICK, HESS, STAPLETON, WILT, O'PAKE, MANBECK, REIBMAN, O'CONNELL, SNYDER, CORMAN, SHAFFER, RHOADES, MOORE, ANDREZESKI, MESSINGER and ROSS presented to the Chair **SB 919**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," excluding certain in-ground and above-ground structures and containments in determining farm values.

Which was committed to the Committee on LOCAL GOVERNMENT, June 16, 1981.

Senators HELFRICK, HESS, STAPLETON, WILT, O'PAKE, MANBECK, REIBMAN, O'CONNELL, SNYDER, CORMAN, SHAFFER, RHOADES, MOORE, ANDREZESKI, MESSINGER and ROSS presented to the Chair **SB 920**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," excluding certain in-ground and above-ground structures and containments in determining farm values.

Which was committed to the Committee on LOCAL GOVERNMENT, June 16, 1981.

Senators GEKAS, O'PAKE, GREENLEAF and FISHER presented to the Chair **SB 921**, entitled:

An Act providing for the recording of certain affidavits affecting the title to real estate and for their admissibility into evidence.

Which was committed to the Committee on JUDICIARY, June 16, 1981.

Senator GEKAS presented to the Chair **SB 922**, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Which was committed to the Committee on APPROPRIATIONS, June 16, 1981.

Senator STREET presented to the Chair **SB 923**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for monthly budget reports in school districts of the first class.

Which was committed to the Committee on EDUCATION, June 16, 1981.

Senators STREET, PRICE, JUBELIRER, SHAFFER, ZEMPRELLI, HOWARD, HAGER, GEKAS and LLOYD presented to the Chair **SB 924**, entitled:

An Act making an appropriation to the Department of Public Welfare for legal services.

Which was committed to the Committee on APPROPRIATIONS, June 16, 1981.

Senator GREENLEAF presented to the Chair **SB 925**, entitled:

An Act providing for openings in surface on roads, streets and highways other than State highways, for permits or bonds conditioned on proper restoration of the surface and providing penalties.

Which was committed to the Committee on TRANSPORTATION, June 16, 1981.

Senators HAGER, JUBELIRER, MOORE, GEKAS, HOLL, TILGHMAN, SNYDER, PRICE, HOWARD, HOPPER, O'CONNELL, STREET, WILT, MANBECK, SHAFFER, LLOYD, KELLEY, MESSINGER and REIBMAN presented to the Chair **SB 926**, entitled:

An Act making an appropriation to the Department of Public Welfare for family planning services.

Which was committed to the Committee on APPROPRIATIONS, June 16, 1981.

CALENDAR

SB 726 CALLED UP OUT OF ORDER

SB 726 (Pr. No. 762) — Without objection, the bill was called up out of order, from page 10 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 726 (Pr. No. 762) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

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.

GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

Senator MOORE. Mr. President, today in our gallery we have a very distinguished and patriotic family visiting us from Perry County, the David B. Fry family: David, his wife Katsu and his daughter, Linda. Dave Fry is a Civil Defense Director of Perry County and he served for twenty-three years in the military service before he retired.

The Frys have four children: Wayne, the eldest, a graduate of the University of Hawaii, served three years in the army; Donald, graduated from the United States Military Academy at West Point. He is now serving in the army in West Germany. Mary is a student in radiology at the Harrisburg Polyclinic Hospital; and with us today, their youngest daughter, Linda Sue Fry, who is quite an unusual and talented young lady. She graduated from West Perry High School where she was a real achiever. I will not go into the long list of her achievements but she was truly an achiever in practically every activity offered by that high school. On July 1st, she will enter the Military Academy at West Point as a Plebe.

I would ask my good colleagues on both sides of the aisle to receive this family and give them our usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR TIM SHAFFER PRESENTED TO SENATE

Senator SHAFFER. Mr. President, there is also some distinguished guests in our gallery today from New Castle in Lawrence County, Mrs. Leslie Andrews and her children Arlyn and Robbie Andrews. They are special for a number of reasons, one of which is, they are the wife and children of our Senator Tom Andrews.

The PRESIDENT. Will the Andrews family please rise so the Senate may give you its traditional warm welcome?

(Applause.)

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of holding and reconvening a recessed meeting of the Committee on Rules and Executive Nominations to begin immediately at the rear of the Senate Chamber in the Rules Committee room.

Subsequent to the meeting of the Committee on Rules and Executive Nominations, I would ask that all Republican Members of the Senate report to the first floor caucus room for a caucus, with the hopes of returning to the floor by 2:45 p.m.

Senator ZEMPRELLI. Mr. President, it would be the desire of the Minority to also caucus immediately upon the completion of the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, which will convene immediately in the Rules Committee room at the rear of the Chamber, to be followed by Republican and Democratic caucuses, and with the hopes of returning to the floor by 2:45 p.m., the Chair declares the Senate in recess.

AFTER RECESS

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

SENATOR ROSS TO VOTE FOR SENATOR SCANLON

Senator ROSS. Mr. President, I request a legislative leave of absence for Senator Scanlon, who was called to a meeting.

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

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION, SERIAL NO. 44, CALLED UP OUT OF ORDER

Senator JUBELIRER, without objection, called up out of order from page 15 of the Calendar, Senate Resolution, **Serial No. 44**, entitled:

Directing members, officers and employes of the Senate to lapse all unexpended funds appropriated prior to the 1979-1980 fiscal period.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 44, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 44.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

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

NAYS—0

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

SENATE RESOLUTION, SERIAL NO. 45, CALLED UP OUT OF ORDER

Senator JUBELIRER, without objection, called up out of order from page 16 of the Calendar, Senate Resolution, **Serial No. 45**, entitled:

Urging all citizens of Pennsylvania to participate in the International Year of Disabled Persons.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 45, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 45.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

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

NAYS—0

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

**HOUSE CONCURRENT RESOLUTION NO. 78,
CALLED UP OUT OF ORDER**

Senator JUBELIRER, without objection, called up out of order from page 16 of the Calendar, House Concurrent Resolution No. 78, entitled:

General Assembly memorialize Congress review Federal Clean Air Act in regard to vehicle emissions control inspection.

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 78**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 78.

The motion was agreed to and the resolution was concurred in.

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

**SENATE RESOLUTION, SERIAL NO. 42,
CALLED UP OUT OF ORDER**

Senator JUBELIRER, without objection, called up out of order from page 15 of the Calendar, Senate Resolution, Serial No. 42, entitled:

Amending Senate Rule 16, Section 1.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 42, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 42.

On the question,

Will the Senate agree to the motion?

ZEMPRELLI AMENDMENT I

Senator ZEMPRELLI offered the following amendment:

Amend Resolution, page 2, by striking out line 11 and inserting: 20. Ethics — 10 members

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, it would appear that the obvious intent of the resolution before us is to create a new committee and I understand that. I understand we cannot totally extricate ourselves in our desire and pursuit of good government to be totally nonpolitical in these things. When an additional Senator was elected on the other side of the aisle it became incumbent to find some committee spot for the gentleman to host and I would have done the same thing. I am not faulting that process.

My question is as to the desirability of a committee, and the amendment before us would simply suggest as has been presented before, that we would be naming that committee and establishing a Committee on Ethics as compared to a Committee on Game and Fisheries.

Now there is substance to this amendment. First of all the number of bills that have been presented of any magnitude or importance dealing with game and fisheries have been those that have gone to the Committee on Environmental Resources and Energy and that standing committee. They have been discharged with a great deal of ability in the past, both Republican and Democrat, and there has not been anybody that has complained of the inadequacy of that process in dealing with that important subject of fisheries and game. There is, however, a great deal of importance with respect to the establishment of a standing Committee on Ethics. As a matter of fact, there were two subjects here very recently that would indicate that from a point of view of the amount of legislation or rather the amount of incidents that we would be dealing with, that would require funding and recognition of a standing capacity, that there would be no question that ethics would far exceed that kind of responsibility and our attention as compared to game and fisheries.

Mr. President, what happens here is it addresses two needs. The important need to fund a permanent standing Committee on Ethics if it is to flourish and if it is going to discharge its responsibility. The second is, Mr. President, to provide an additional committee that should satisfy the needs of the parties on the other side of the aisle.

As I said at the outset, Mr. President, I do not quarrel with that. I probably would want to do the same thing assuming there was sufficient work to do that.

Mr. President, what the amendment does is establish a new committee, classify it Ethics, fund it in accordance with the Rules of the Senate and delete therefrom Game and Fisheries which would be maintained as a part of the jurisdiction, hopefully of the Committee on Environmental Resources and Energy.

Mr. President, I ask for a unanimous vote in favor of this amendment.

Senator BELL. Mr. President, I am very glad the illustrious Minority Leader asked for support because only a short time ago, when he was running the show, there was created a Committee on Consumer Protection and Professional Licensure to take care of a very capable junior Senator. I know because I had the added honor of serving as chairman of that

committee from this side in addition to being chairman to another committee on this side with no additional monies to run the job.

Senator STAUFFER. Mr. President, very briefly I would rise and ask the Members to vote against the amendment proposed by the gentleman from Allegheny, Senator Zemprelli. I think on the surface we would have to consider this amendment to be somewhat defective in the sense that the Senate already has a Committee on Ethics and Official Conduct. It is a very special committee because it has a special membership makeup in that we have agreed this important committee should have an equal membership from both sides of the aisle. I think we very adequately deal with the subject. The performance of the committee and the operation of the committee through the years has been very satisfactory to the best of my knowledge to all the Members of the Senate. I think we are well advised to continue the system that is currently in practice.

For that reason, Mr. President, I would suggest a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

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

NAYS—26

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

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

And the question recurring,

Will the Senate agree to the motion?

MELLOW AMENDMENTS

Senator MELLOW offered the following amendments:

Amend Senate Resolution, page 2, line 5, by inserting brackets before and after "and Insurance"

Amend Senate Resolution, page 2, line 11, by striking out "Game and Fisheries" and inserting: Insurance

On the question,

Will the Senate agree to the amendments?

Senator MELLOW. Mr. President, the reasons for my offering these amendments are very similar to the reasons the gentleman from Allegheny, Senator Zemprelli, offered the last amendment, trying to establish a Committee on Ethics. However, I think some of the details involved in both are not that similar.

First of all, Mr. President, the Committee on Insurance has been a standing committee of the Pennsylvania State Senate since I have been a Member of the Senate and it has only been the last several months under the new reorganization that we do not have a standing Committee on Insurance. Mr. President, we have found that over the last several years we have tremendous problems Statewide with insurance all dealing with the consumers' benefit. We have problems today, Mr. President, with no-fault insurance and how we can possibly reform no fault. There is a meeting of the Committee on Appropriations tomorrow morning, Mr. President, that is going to deal with the releasing from the Committee on Appropriations the products liability bill which is insurance and basically has been housed in the Committee on Judiciary, but I feel more responsibly should have been housed in the Committee on Insurance.

Mr. President, we have had much concern over the past several years with medical malpractice and the catastrophe fund which has been set up under medical malpractice insurance and how that has to be changed and be looked at.

Mr. President, we also have tremendous increases that have taken place over the last several years in automobile insurance and, in fact, in insurance dealing with fire and many other things.

Mr. President, I have had an opportunity over the last several months of talking about these amendments to a great number of insurance executives, people representing the rights of the companies and people representing the rights of the independent insurance agents throughout this State and they are appalled at the fact we do not have a Committee on Insurance standing right now in the Pennsylvania State Senate.

I think, Mr. President, to go ahead and to establish a Committee on Game and Fisheries for the sole purpose of adding one additional committee to take care of a Member who today does not have a committee and to not look at the possibility of establishing a Committee on Insurance to do that, I think is an insult to the consuming public of this great State of ours.

Mr. President, I have had an opportunity for the eight years I served as Chairman of the Committee on Environmental Resources and Energy to work with bills dealing with game and fisheries. I can assure you, Mr. President, in that span of time, the number of bills we had with game and fisheries was indeed not a large number. In most cases, Mr. President, they were bills that basically did not have a great deal of significance. I cannot recall one particular case when we had a problem with the Sports Federation in the Commonwealth in dealing with legislation that may have been housed in the Committee on Environmental Resources and Energy that they wanted and that we would not consider.

Mr. President, it is extremely difficult for me to fathom today that we would go ahead and create a Committee on Game and Fisheries, a committee which basically will spend a tremendous amount of money with very little significance and that we would bypass a Committee on Insurance, a committee the people who are working in the insurance industry are tremendously in favor of. If we look at the history of the

Members of the Senate, we will find at least three Members of this particular Body list themselves as insurance executives. I think if they would go ahead and find that type of a listing as far as their occupation would go, I am sure they would consider a Committee on Insurance to be extremely important.

Mr. President, I would ask for a positive vote on these particular amendments.

Senator STAUFFER. Mr. President, I rise to oppose the amendments and would ask all the Members to oppose them. The Committee on Banking and Insurance is a committee which handles the legislation concerned with two regulated industries and both of them mesh together very nicely in a committee. My understanding is the insurance industry is completely satisfied with the situation of being coupled with banking. There is just no good reason why we should not continue the very efficient operation we have had of having these two subject matters joined in the committee.

On that basis, Mr. President, I would ask for a negative vote.

Senator MELLOW. Mr. President, so there is no misunderstanding in the minds of any Member of the Senate, I would like to correct the gentleman from Chester, Senator Stauffer, or the statements which he made with regard to the insurance industry. I have letters basically from a number of major insurance companies and I would share them with the gentleman if he would like, including a number of the groups that represent independent insurance agents, all of them appalled at the fact they do not have standing representation. I also have a number from several of the banking industries and their related lobbying groups who are also appalled at the fact that they do not have their own separate standing committee, Mr. President. So all is not well with both the banking industry and the insurance industry. I think the problem which they are afraid to address is the fact that they do not want to fall in disfavor of any Member of this Body by saying publicly and taking a very strong position asking that they have a separate committee. I believe that to be the truth and not the fact that these various industries have not indicated their willingness to have their own standing committee.

Senator STAUFFER. Mr. President, I will not prolong the debate, but I will say very briefly there are no fears of any kind on this side of the aisle. We have created a committee structure which we felt would be efficient, that would work to the the best interest of both the Senate and the various interests which are regulated and controlled through the legislation that is assigned to the various committees. We think that system is working very well.

For that reason, Mr. President, we would oppose a change in the separation of the two committees the gentleman proposes to separate. I ask for a negative vote.

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

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

YEAS—21

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

NAYS—26

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

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

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

BILL SIGNED

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

HB 712.

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

ZEMPRELLI AMENDMENT II

Senator ZEMPRELLI offered the following amendment:

Amend Resolution, page 2, by inserting after line 11: 21. Ethics
— 10 members

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

Senator ZEMPRELLI. Mr. President, simply stated, the amendment before the Senate at this time would add an additional committee as a standing committee of the Senate and that would be by adding the Committee on Ethics. The obvious intent, Mr. President, is to provide funding for it and to give it the stature in order to be able to accomplish the purpose of the committee.

Mr. President, I would ask the Senate to unanimously adopt this amendment.

Senator STAUFFER. Mr. President, I would oppose this amendment for much the same reason as I opposed the previous amendment with regard to the Committee on Ethics. I would point out to the Members if this amendment was to be adopted, we would have a Committee on Ethics which would be imbalanced in that the Majority Party would have six Members as opposed to four for the Minority, where the working relationship that we have had with the Committee on Ethics and Official Conduct has traditionally been one where we would have equal Membership. I think it is important we continue the equal Membership and not have a partisan balance.

Mr. President, for that reason I would ask for a negative vote.

Senator ZEMPRELLI. 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 ZEMPRELLI. Mr. President, the gentleman from Chester, Senator Stauffer, has suggested there would be an imbalance of Members on the Committee on Ethics, to suggest being politically prejudicial to one or the other parties depending upon whether it is the Majority or Minority.

Mr. President, does the gentleman suggest that the President pro tempore, in the acknowledgement of the members of the committee, could not do a five-five as was suggested by the original legislation?

Senator STAUFFER. Mr. President, what I was referring to was the fact that we had the traditional partisan Majority on committees and it would be my view, by looking at the amendment as proposed by the gentleman, it would suggest the same type of breakdown that has existed on all of the other standing committees of the Senate would be continued. I see no language which suggests the Membership of this committee would be different than the traditional balance we have had.

Senator ZEMPRELLI. Mr. President, what language in the amendment does the gentleman rely upon that would have him come to that conclusion?

Senator STAUFFER. Mr. President, the fact that it is a ten-Member committee and with all of the other standing committees of the Senate if we have a ten-Member committee, we assign six Members from the Majority and four from the Minority.

Senator ZEMPRELLI. Mr. President, will the gentleman agree that is a matter of policy and not a matter of right?

Senator STAUFFER. Mr. President, there is no question that that is true, but in any case it would conflict with the system under which we have operated.

Senator ZEMPRELLI. Mr. President, I would suggest the reason for the gentleman stating the opposition to the matter is a very frivolous reason. I would think in the judgment of the President pro tempore and his interest in a specific matter that is involved before the Committee on Ethics would want to go overboard to be fair and would certainly appoint five Democrats and five Republicans.

However, Mr. President, even if the President pro tempore felt that he would want to pick six or more Republicans, I am sure those Members would be more than fair in their deliberations and could put aside partisan politics in the interest of the sensitive subject matter that is before a Committee on Ethics.

Senator STAUFFER. Mr. President, I would certainly concur with the last statement the gentleman made with regard to the action of the Members of the Committee on Ethics. I would submit, however, I believe we can all hope there would not be enough business, that there would not be enough ethical questions arise in our Senate Chamber to require a standing committee on the subject.

Mr. President, I think that is really the important reason we oppose this proposal. The fact is, we do not feel there is the need for a standing committee and with all the appurtenances that go with the establishment of a standing committee.

Senator LEWIS. Mr. President, I have heard the gentleman from Chester, Senator Stauffer, ascribe his reasons as to why today he does not believe there should be a standing Committee on Ethics and, unfortunately, they are now dramatically different than the reasons that were ascribed in the debate on this floor on the 24th of February of this year. The amendment that is offered to the current resolution before us deals with the very simple situation of creating and funding standing committees in this Senate. When the first issue of the Committee on Ethics, which is now the subject of this amendment was raised, the gentleman from Chester, Senator Stauffer, made lengthy comments about the reasons for the oppositions.

Mr. President, I am now looking at the Journal from that date and note in the gentleman's comments that he said, "We are not talking about the operation of the committee,..." referring to the Committee on Ethics, "...its responsibilities, its duty to the Senate."

The gentleman from Chester, Senator Stauffer, then said, "I think everyone in this Chamber knows that in a totally bipartisan fashion this committee has worked for the betterment of the Senate. It has bit the bullet when it has had to. It has done good work and it is something in which we can all take pride. I do not think the operation of the committee is a matter for debate or even discussion." I might point out the gentleman has reiterated those statements today and I fully concur with the gentleman with regard to those comments.

The gentleman then went on on that date to say, "It is strictly a matter of funding. It is a question of how the Members view the funds that are allocated for the management of the Senate and how they should be allocated." Mr. President, that was the statement made by the gentleman on the 24th of February.

Mr. President, then the gentleman did not stop merely with that one reference. The gentleman from Allegheny, Senator Zemprelli, interrogated the gentleman from Chester, Senator Stauffer, and asked, through you, Mr. President, "...if, in fact, this committee..." meaning the Committee on Ethics, "...were of equal standing with any other standing committee of the Senate as it is now constituted, where would the funds come from to operate this committee, assuming that it would be treated like every other standing committee?"

In response to that inquiry, the gentleman from Chester, Senator Stauffer, through the Chair, answered, "...it was the understanding of the Members of our caucus that the monies which are allocated through the Legislative Management Fund for the operation of committees would be the source of that funding and that, as a result, the pool would have to be split into one more equal segment which would take away funding from each of the other standing committees in order to create the amount allocated to the Committee on Ethics."

Mr. President, the reasoning was very clear then and notwithstanding the refusal to give proper stature and status

to the Committee on Ethics on the 24th of February and the resistance to do it again today, through this amendment, the Majority Party is telling us that they would prefer to have the amendment go unadulterated, to move without amendment and to create a new standing committee which is going to require all of the funding that the gentleman from Chester, Senator Stauffer, talked about and about which the gentleman expressed concern for the Members on the gentleman's side, and yet relegate the Committee on Ethics to a stature or a status far below that of some new Committee on Fisheries.

Mr. President, I just do not understand those orderings of priorities. It seems to me that if the Majority Party has now decided for whatever reason that they are going to reallocate the Legislative management monies, if they are going to bite the bullet, if they are going to reduce the amount of monies available to each of the other committees, then so be it, but let us structure our priorities appropriately and let us make certain the Committee on Ethics is not relegated to some sort of second-class status.

Mr. President, I think this amendment now has to stand in terms of its real merits and cannot be disposed of or cast aside by some arguments about the number of the Members, of the desire not to provide funding, as is being done with each of the other committees. For those reasons, Mr. President, and for the reasons that have been expressed a number of months ago by the Majority Whip, I would respectfully urge an affirmative vote on the amendment offered by the Minority Leader.

Senator BELL. Mr. President, there is an old saying, "Don't befowl your own nest." There is also an old saying, "The gentleman protesteth too much."

Mr. President, I cannot understand what is so rotten in the Senate of Pennsylvania so that we have to have the same money given to a committee to investigate the fifty Senators as is given to the Committee on Transportation which looks over the tremendous road network and the millions of motorists that are on our highways. I cannot understand what is so rotten in this Senate of Pennsylvania that requires as much money to look into as I get from my committee charged with responsibility over the Public Utility Commission, charged with the responsibility over the twenty-two professions, charged with consumer protection.

If the Senators know what is rotten, bring it to the attention of the press and they will have the best standing committee they will ever find in Pennsylvania.

Senator LLOYD. Mr. President, having listened to the debate that has taken place so far, it is a little unclear to me the reasons we would not designate the Committee on Ethics as a standing committee. It seems that in his opening remarks, the gentleman from Chester, Senator Stauffer, has indicated that the reason for opposing the Committee on Ethics as a standing committee is because as a result of the partisan structure it would be unfair. A little bit later we are told the real reason is there would not be enough activity in the Committee on Ethics to warrant a full standing committee, that there is not enough business, so to speak, to keep a Committee on Ethics busy.

Now we are told, Mr. President, if we are to identify anything that is wrong in the Senate of Pennsylvania, we should bring it to the attention of the press and let them handle the people's business and let the press handle the problems that may or may not exist in the Senate of Pennsylvania.

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 LLOYD. Mr. President, I would like to determine, if I may, what, in fact, is the principal reason since we have heard a couple of them, for not having the Committee on Ethics be a standing committee in the Senate of the Commonwealth of Pennsylvania?

Senator STAUFFER. Mr. President, I am happy to respond to that question because I want the gentleman to know, as I want the gentleman from Bucks, Senator Lewis, to know, I do not in any way retreat from the statements I made that the gentleman from Bucks, Senator Lewis, quoted a few moments ago.

Mr. President, we do not need a standing Committee on Ethics because we have a very special committee, a Committee on Ethics and Official Conduct that we have given special status to. If the gentleman will look at page 45, or beginning on page 45 of the Senate Rules, he will note that we have established a committee that in many respects has more power than any of the standing committees of the Senate. It is given special powers to deal with the problems which might arise in an ethical matter with Members of the Senate or of the Senate staff. In addition, we have on our Calendar today the next resolution, Senate Resolution, Serial No. 43, which deals very specifically with the funding problem that the gentleman from Bucks, Senator Lewis, alluded to.

Mr. President, we feel on this side of the aisle that we will take care of the funding and we will do it in a better way than that of a standing committee because instead of providing funds out of the management, we will provide funds from the Administrative area of the Senate of Pennsylvania.

For that reason, Mr. President, we feel we have a stronger, better committee when it is bipartisan in nature. It has more powers to deal with the problems which might come to it and it has the strongest funding base possible in the Senate.

Senator LLOYD. Mr. President, I thank the gentleman for facing the issue squarely, but it does not prove to be a satisfactory answer. The only satisfactory answer that can be acceptable to the people of Pennsylvania is for us to make a commitment through the formation of a standing Committee on Ethics to function on an ongoing basis to determine that the individual Members of this Body and the Body collectively is functioning within the realm of accepted and proper ethical standards.

The gentleman from Delaware, Senator Bell, has pointed out the amount of money for the Committee on Transportation would equal the amount of funds the Committee on Ethics would have. That is correct, Mr. President. I do not think there is anything necessarily wrong with that, Mr. Presi-

dent. A lack of integrity or a potential lack of integrity that is not dealt with effectively and on an ongoing basis, would erode all that went before. It would erode all of the good that may be done in the areas of economic development or as the gentleman points out, in the area of consumer protection or in the area of transportation.

Therefore, Mr. President, I again, as I have and my colleagues have on prior occasions, strongly urge the passage of this amendment and the acceptance of a standing Committee on Ethics for the Senate.

Senator STAUFFER. Mr. President, I think a brief response to the gentleman is in order and that is with regard to the gentleman's statements of what the people of Pennsylvania want. I think it is very clear, Mr. President, that what the people of Pennsylvania really want is a very, very inactive Committee on Ethics because they do not want to see any of the Members of this Senate or any of the staff of this Senate involved in any activities which would bring about the need for the Committee on Ethics to function or to operate.

Furthermore, Mr. President, what they want if there is a problem, they want a committee which will meet head on on that problem, bite the bullet so to speak, and take whatever action is necessary.

Mr. President, I can say with great admiration for my colleagues who serve on that committee, that up to this point that is the way this committee has functioned and as far as I am concerned, and we on this side of the aisle are concerned, that is the way this committee is going to continue to function in the days ahead.

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

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

YEAS—21

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

NAYS—26

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

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

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

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

YEAS—47

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

NAYS—0

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

**SENATE RESOLUTION, SERIAL NO. 43,
CALLED UP OUT OF ORDER**

Senator STAUFFER, without objection, called up out of order from page 15 of the Calendar, Senate Resolution, **Serial No. 43**, entitled:

Amending Senate Rule 37 by adding Section 13.

On the question,
Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 43, ADOPTED**

Senator STAUFFER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 43.

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

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Lehigh, Senator Messinger, will state it.

Senator MESSINGER. Mr. President, I think we have already adopted Senate Resolution, Serial No. 43.

Senator STAUFFER. No, Mr. President, I think we adopted Senate Resolution, Serial No. 44 and Senate Resolution, Serial No. 45, then went back to Senate Resolution, Serial No. 42, and we are now dealing with Senate Resolution, Serial No. 43.

The PRESIDENT. The gentleman from Chester, Senator Stauffer, is correct.

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

**BILL ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 12 (Pr. No. 914) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 12.

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

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

YEAS—46

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

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.

LEAVE OF ABSENCE

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE
IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 13 (Pr. No. 915) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 13.

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

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

YEAS—46

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

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.

BILL OVER IN ORDER

SB 422 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 227 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

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

PREFERRED APPROPRIATION BILL
OVER IN ORDER

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

NONPREFERRED APPROPRIATION BILL ON
THIRD CONSIDERATION AND FINAL PASSAGE

SB 853 (Pr. No. 930) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

NONPREFERRED APPROPRIATION BILL
OVER IN ORDER TEMPORARILY

SB 854 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

**NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED**

SB 855 (Pr. No. 932) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MOORE, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 2, line 6, by striking out "600,000" and inserting: 690,000

On the question,

Will the Senate agree to the amendment?

Senator MOORE. Mr. President, this amendment very simply changes the line item appropriation on page 2 of Senate Bill No. 855, on line 6, from \$600,000 for the dental clinic at Temple University to \$690,000. It is an increase of \$90,000 to the dental clinic of Temple University. The reason being, they have operated since 1976 without an increase. During that time we have had, as everyone knows, inflation and all of their related costs have increased. They provide a lot of free service to the people in their immediate area and they need this increase very desperately.

Senator TILGHMAN. Mr. President, I know several of our Members have amendments to these nonpreferred bills and I will make this statement all inclusive of all amendments. I would hope the Members of the General Assembly could vote in the negative on all amendments to these bills. I believe that most of the amendments I heard of spend additional funds with no cuts anyplace else in the General Appropriations bill to compensate for these funds.

Mr. President, I ask for a negative vote on all amendments.

**SENATOR STAUFFER TO VOTE FOR
SENATOR STREET**

Senator STAUFFER. Mr. President, at this time I request a legislative leave of absence for Senator Street, who has to leave for a meeting in which he is a principal participant and I will be voting him on the remainder of the bills on the Calendar.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—32

Andrezeski	Kusse	Moore	Ross
Bodack	Lewis	Murray	Scanlon
Corman	Lincoln	O'Connell	Singel
Early	Lloyd	O'Pake	Stapleton
Fisher	Lynch	Pecora	Stout
Gekas	McKinney	Reibman	Street
Greenleaf	Mellow	Rhoades	Wilt
Kelley	Messinger	Romanelli	Zemprelli

NAYS—14

Bell	Holl	Manbeck	Snyder
Hager	Hopper	Price	Stauffer
Helfrick	Howard	Shaffer	Tilghman
Hess	Loeper		

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

The PRESIDENT. Senate Bill No. 855 will go over, as amended.

**SENATOR ROSS TO VOTE FOR
SENATOR O'PAKE**

Senator ROSS. Mr. President, I would like to request legislative leave for Senator O'Pake, who was just called down to a legislative meeting.

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

THIRD CONSIDERATION CALENDAR RESUMED

**NONPREFERRED APPROPRIATIONS BILLS ON
THIRD CONSIDERATION AND FINAL PASSAGE**

SB 856 (Pr. No. 933) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

SB 857 (Pr. No. 934) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—45

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

Holl

NAYS—1

Kelley

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

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

SB 858 (Pr. No. 935) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 859 (Pr. No. 936) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 861 (Pr. No. 938) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 863 (Pr. No. 940) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—43

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

NAYS—3

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

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

SB 864 (Pr. No. 941) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—41

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

NAYS—5

Hess	Pecora	Rhoades	Stapleton
Kelley			

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

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

SB 865 (Pr. No. 942) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—42

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

NAYS—4

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

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

SB 866 (Pr. No. 943) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—42

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

NAYS—4

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

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

SB 867 (Pr. No. 944) — 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

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

NAYS—2

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

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

SB 868 (Pr. No. 945) — 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

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

NAYS—2

Kelley Rhoades

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

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

SB 869 (Pr. No. 946) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

Table with 4 columns: Andrezeski, Hopper, Messinger, Scanlon; Bell, Howard, Moore, Shaffer; Bodack, Kusse, Murray, Singel; Corman, Lewis, O'Connell, Snyder; Early, Lincoln, O'Pake, Stapleton; Fisher, Lloyd, Pecora, Stauffer; Gekas, Loeper, Price, Stout; Greenleaf, Lynch, Reibman, Street; Hager, McKinney, Rhoades, Tilghman; Helfrick, Manbeck, Romanelli, Wilt; Hess, Mellow, Ross, Zemprelli; Holl

NAYS—1

Kelley

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

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

SB 870 (Pr. No. 947) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—42

Table with 4 columns: Andrezeski, Holl, Mellow, Scanlon; Bell, Hopper, Messinger, Shaffer; Bodack, Howard, Moore, Singel; Corman, Kusse, Murray, Snyder; Early, Lewis, O'Connell, Stauffer; Fisher, Lincoln, O'Pake, Stout; Gekas, Lloyd, Price, Street; Greenleaf, Loeper, Reibman, Tilghman; Hager, Lynch, Romanelli, Wilt; Helfrick, McKinney, Ross, Zemprelli; Hess, Manbeck

NAYS—4

Kelley Pecora Rhoades Stapleton

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

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

SB 871 (Pr. No. 948) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

Table with 4 columns: Andrezeski, Hopper, Messinger, Scanlon; Bell, Howard, Moore, Shaffer; Bodack, Kusse, Murray, Singel; Corman, Lewis, O'Connell, Snyder; Early, Lincoln, O'Pake, Stapleton; Fisher, Lloyd, Pecora, Stauffer; Gekas, Loeper, Price, Stout; Greenleaf, Lynch, Reibman, Street; Hager, McKinney, Rhoades, Tilghman; Helfrick, Manbeck, Romanelli, Wilt; Hess, Mellow, Ross, Zemprelli; Holl

NAYS—1

Kelley

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

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

SB 872 (Pr. No. 949) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—45

Table with 4 columns: Andrezeski, Hopper, Messinger, Scanlon; Bell, Howard, Moore, Shaffer; Bodack, Kusse, Murray, Singel; Corman, Lewis, O'Connell, Snyder; Early, Lincoln, O'Pake, Stapleton; Fisher, Lloyd, Pecora, Stauffer; Gekas, Loeper, Price, Stout; Greenleaf, Lynch, Reibman, Street; Hager, McKinney, Rhoades, Tilghman; Helfrick, Manbeck, Romanelli, Wilt; Hess, Mellow, Ross, Zemprelli; Holl

NAYS—1

Kelley

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

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

SB 873 (Pr. No. 950) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 874 (Pr. No. 951) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

SB 875 (Pr. No. 952) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 876 (Pr. No. 953) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Kelley

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

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

SB 877 (Pr. No. 954) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

Andrezeski	Hopper	Messinger	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Kusse	Murray	Singel
Corman	Lewis	O'Connell	Snyder
Early	Lincoln	O'Pake	Stapleton
Fisher	Lloyd	Pecora	Stauffer
Gekas	Loeper	Price	Stout

Greenleaf	Lynch	Reibman	Street
Hager	McKinney	Rhoades	Tilghman
Helfrick	Manbeck	Romanelli	Wilt
Hess	Mellow	Ross	Zemprelli
Holl			

NAYS—1

Kelley

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

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

SB 878 (Pr. No. 955) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—41

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

NAYS—5

Hess	Pecora	Rhoades	Stapleton
Kelley			

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

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

SB 879 (Pr. No. 956) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Pecora

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

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

SB 880 (Pr. No. 957) — 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

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

NAYS—2

Hess Kelley

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

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

SB 881 (Pr. No. 958) — 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

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

NAYS—2

Hess Kelley

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

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

SB 882 (Pr. No. 959) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—42

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

NAYS—4

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

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

SB 883 (Pr. No. 960) — 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

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

NAYS—2

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

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

SB 884 (Pr. No. 961) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—43

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

NAYS—3

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

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

SB 885 (Pr. No. 962) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—40

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

NAYS—6

Hess	Pecora	Shaffer	Stapleton
Kelley	Rhoades		

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

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

SB 886 (Pr. No. 963) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—41

Andrezeski	Hopper	Mellow	Scanlon
Bell	Howard	Messinger	Shaffer
Bodack	Kusse	Moore	Singel
Corman	Lewis	Murray	Snyder

Early	Lincoln	O'Connell	Stauffer
Fisher	Lloyd	O'Pake	Stout
Gekas	Loeper	Price	Street
Greenleaf	Lynch	Reibman	Tilghman
Hager	McKinney	Romanelli	Wilt
Helfrick	Manbeck	Ross	Zemprelli
Holl			

NAYS—5

Hess	Pecora	Rhoades	Stapleton
Kelley			

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

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

SB 887 (Pr. No. 964) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

SB 888 (Pr. No. 965) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED

SB 889 (Pr. No. 966) — Considered the third time,

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

Senator PECORA, on behalf of himself, Senators EARLY, SCANLON, ZEMPRELLI, O'CONNELL, ROMANELLI, FISHER and BODACK, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 6, by striking out "\$5,200,000" and inserting: \$5,400,000

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

Senator PECORA. Mr. President, the amendment is introduced on behalf of myself and the following Senators: the gentleman from Allegheny, Senator Fisher; the gentleman from Allegheny, Senator Bodack; the gentleman from Allegheny, Senator Early; the gentleman from Allegheny, Senator Scanlon; the gentleman from Allegheny, Senator Zemprelli; the gentleman from Allegheny, Senator Romanelli; and the gentleman from Luzerne, Senator O'Connell.

Mr. President, I would say it is an additional increase from \$5,200,000 to \$5,400,000 for Western Psychiatric Institute and Clinic which is part of the State-related educational system as it is operated by the University of Pittsburgh. The increase is less than four per cent from the previous year.

Mr. President, I would greatly appreciate the unanimous consent of the Senate.

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

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

YEAS—34

Andrezeski	Kusse	Moore	Ross
Bodack	Lewis	Murray	Scanlon
Early	Lincoln	O'Connell	Shaffer
Fisher	Lloyd	O'Pake	Singel
Greenleaf	Loeper	Pecora	Stapleton
Helfrick	Lynch	Reibman	Stout
Holl	McKinney	Rhoades	Wilt
Hopper	Manbeck	Romanelli	Zemprelli
Kelley	Mellow		

NAYS—11

Corman	Hess	Price	Street
Gekas	Howard	Snyder	Tilghman
Hager	Messinger	Stauffer	

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

The PRESIDENT. Senate Bill No. 889 will go over, as amended.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 891 (Pr. No. 975) — Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

SB 892 (Pr. No. 976) — Considered the third time,

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

Senator MOORE, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 18, by striking out "600,000" and inserting: 690,000

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

Senator MOORE. Mr. President, this amendment increases the line item appropriation for the dental clinic at the University of Pennsylvania from \$600,000 to \$690,000. It is identical to the amendment that was inserted in the General Appropriations bill to Temple University. For the same reasons, I would ask for an affirmative vote from my colleagues.

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

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

YEAS—36

Andrezeski	Kelley	Messinger	Ross
Bell	Kusse	Moore	Scanlon
Bodack	Lewis	Murray	Shaffer
Early	Lincoln	O'Connell	Singel
Fisher	Lloyd	O'Pake	Stapleton

Gekas	Loeper	Pecora	Stout
Greenleaf	Lynch	Reibman	Street
Helfrick	McKinney	Rhoades	Wilt
Hopper	Mellow	Romanelli	Zemprelli

NAYS—10

Corman	Holl	Price	Stauffer
Hager	Howard	Snyder	Tilghman
Hess	Manbeck		

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

The PRESIDENT. Senate Bill No. 892 will go over, as amended.

SB 854 CALLED UP

SB 854 (Pr. No. 931) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator STAUFFER.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

SB 854 (Pr. No. 931) — Considered the third time,

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

Senator KUSSE, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 26, by striking out "500,000" and inserting: 560,000

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

Senator KUSSE. Mr. President, two years ago the Legislature appropriated approximately \$60 million for general expenses to the University of Pittsburgh. At the same time we segregated a half million dollars of that money and put it in a line item for the Titusville campus. Subsequently the Legislature in appropriating monies for general expenses for the University of Pittsburgh increased their appropriation by approximately twelve per cent. However, we did not increase the appropriation for the operation of the Titusville campus. My amendment now proposes to increase that appropriation to the Titusville campus by twelve per cent changing the figure in the bill from \$500,000 to \$560,000. It does not affect the appropriation for general expenses to the University of Pittsburgh.

Senator ROMANELLI. Mr. President, I desire to interrogate the gentleman from Warren, Senator Kusse.

The PRESIDENT. Will the gentleman from Warren, Senator Kusse, permit himself to be interrogated?

Senator KUSSE. I will, Mr. President.

Senator ROMANELLI. Mr. President, is the gentleman telling me this is in addition to the present appropriation to the University of Pittsburgh? It is not deferring the \$60,000 amount from the General Appropriation to the University of Pittsburgh?

Senator KUSSE. Mr. President, the gentleman is correct. This is additional money and it does not affect the \$66,410,000 that is being appropriated to the University for general expenses.

Senator ROMANELLI. Mr. President, what does it actually affect?

Senator KUSSE. Mr. President, we are increasing the amount of money that is being appropriated for the operation of the Titusville campus, from \$500,000 we are increasing it to \$560,000, which is a twelve per cent increase. That increase is identical to the increase we have granted the University for general expenses.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Warren, Senator Kusse.

The PRESIDENT. Would the gentleman from Warren, Senator Kusse, permit himself to be interrogated?

Senator KUSSE. I will, Mr. President.

Senator KELLEY. Mr. President, I am concerned about the basis upon which the gentleman feels the Senate or the General Assembly should decide to increase the respective appropriations for parts of a university. It would appear to me these figures result from input made by the total structure of the university and we really do not have the necessary combined competence to make these arbitrary increases or decreases but rather would rely on the university personnel themselves.

Senator KUSSE. Mr. President, I had not intended to utilize a lot of figures to justify this amendment, but since I have been asked, I will.

Two years ago we actually appropriated \$59,885,000 for general expenses for the University of Pittsburgh. However, for certain reasons, \$500,000 of that was taken out of that figure and placed in a separate line item to insure the continuation of the operation of the Titusville campus. Over the subsequent two years, we granted what amounts to now approximately a twelve per cent increase in the monies available to Pitt. Had we left that \$500,000 in the total for general operating expenses of the University, that \$500,000 would have also been subject to a twelve per cent increase. Since it was in a separate line item, it did not receive any increase. We have only increased the \$59 million item last year some 5.5 per cent, this year 5.5 again and so on. Had the \$500,000 for Titusville been included in the overall total, the whole figure would have increased by twelve per cent. I am merely bringing the Titusville figure up to where it should be.

Senator KELLEY. Mr. President, the gentleman's premise is based on the fact there is original equity in the first instance. I suggest one must make that decision now as to whether or not the figures are accurately reflecting full-time equivalencies on students and the other kinds of activities that are going on in relationship to the facility at this campus as opposed to the Centre campus or other satellite campuses of the University. I personally do not feel I am qualified to make a judgment not knowing all of the factors that go into it along the lines of the curriculum offered, the full-time equivalencies and the types of courses being offered.

Senator KUSSE. Mr. President, if the gentleman was to take pencil and paper after we have finished here, I am sure if he sat down and applied that twelve per cent increase to the total amount of monies that in our wisdom we appropriated to the school two years ago, he would come out with the same

answer we will now have after he votes in favor of my amendment and it is accepted.

Senator KELLEY. Mr. President, I thank the gentleman for his false assumption, but I truly believe there is not sufficient justification to support the amendment because just to arbitrarily say we are going to give twelve per cent to one of the satellite campuses because we have given twelve per cent in accumulative years to the Centre campus and the University operating it is totally irresponsible because we have to look at the number of students, the full-time equivalencies, the courses being offered and taken along the lines and comparisons. I think for us to just arbitrarily give twelve per cent, it may not be needed. We may be totally extravagant in supporting this amendment and I say there is not enough support in substance of argument.

Mr. President, I would suggest a negative vote.

Senator BELL. Mr. President, I am going to vote "no" because if this Committee on Appropriations cannot find \$25,000 for the Delaware County Blind Center, they cannot find this extra money for the Titusville campus.

Senator ROMANELLI. Mr. President, now that I have had the amendment explained to me, I think the gentleman from Warren, Senator Kusse, is right. I will ask my colleagues to support the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—28

Andrezeski	Helfrick	McKinney	Romanelli
Bodack	Hopper	Messinger	Scanlon
Corman	Howard	Moore	Shaffer
Early	Kusse	Murray	Singel
Fisher	Lloyd	O'Connell	Stout
Gekas	Loeper	Pecora	Wilt
Greenleaf	Lynch	Rhoades	Zemprelli

NAYS—18

Bell	Lewis	Price	Stapleton
Hager	Lincoln	Reibman	Stauffer
Hess	Manbeck	Ross	Street
Holl	Mellow	Snyder	Tilghman
Kelley	O'Pake		

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 third consideration, as amended?

Senator MOORE, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 2, line 5, by striking out "600,000" and inserting: 690,000

On the question,

Will the Senate agree to the amendment?

Senator MOORE. Mr. President, this amendment increases the line item appropriation for the dental clinic at the University of Pittsburgh in the amount of \$90,000, the same amount

of increase that was inserted in the General Appropriations bill for the University of Pennsylvania and Temple University.

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

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

YEAS—35

Andrezeski	Kusse	Moore	Scanlon
Bodack	Lewis	Murray	Shaffer
Early	Lincoln	O'Connell	Singel
Fisher	Lloyd	O'Pake	Stapleton
Gekas	Loeper	Pecora	Stout
Greenleaf	Lynch	Reibman	Street
Helfrick	McKinney	Rhoades	Wilt
Hopper	Mellow	Romanelli	Zemprelli
Kelley	Messinger	Ross	

NAYS—11

Bell	Hess	Manbeck	Stauffer
Corman	Holl	Price	Tilghman
Hager	Howard	Snyder	

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

The PRESIDENT. Senate Bill No. 854 will go over, as amended.

BILLS OVER IN ORDER

HB 106 and 143 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 147 (Pr. No. 852) — Considered the third time,

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

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

Amend Sec. 1 (Sec. 511.1), page 2, lines 17 and 18, by striking out "AN APARTMENT," and inserting: a leasehold premises for residential occupancy

Amend Sec. 1 (Sec. 511.1), page 2, line 19, by inserting after "TITLED": nonrefundable

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 CORMAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 361 (Pr. No. 1018) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

SB 406 (Pr. No. 858) — 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—44

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

NAYS—2

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

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

SB 457 (Pr. No. 464) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrezeski	Hopper	Messinger	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Kelley	Murray	Singel
Corman	Kusse	O'Connell	Snyder
Early	Lewis	O'Pake	Stapleton
Fisher	Lincoln	Pecora	Stauffer
Gekas	Lloyd	Price	Stout
Greenleaf	Loeper	Reibman	Street
Hager	Lynch	Rhoades	Tilghman

Helfrick	McKinney	Romanelli	Wilt
Hess	Manbeck	Ross	Zemprelli
Holl	Mellow		

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.

BILL OVER IN ORDER

HB 497 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 529 (Pr. No. 1019) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

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.

BILLS LAID ON THE TABLE

SB 530 (Pr. No. 1013) and **SB 531 (Pr. No. 860)** — Upon motion of Senator STAUFFER, and agreed to, the bills were laid on the table.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 532 (Pr. No. 1020) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—1

Messinger

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 847 (Pr. No. 970) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

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.

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.

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 BOARD OF TRUSTEES
OF MILLERSVILLE STATE COLLEGE**

May 22, 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 Jack C. Noll, 403 Spring Forge Drive, Spring Grove 17362, York County, Twenty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Millersville State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Charles Hash, Thomasville, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD OF
PUBLIC WELFARE**

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 The Honorable David P. Richardson, Jr., 5811 Shew Avenue, Philadelphia 19138, Philadelphia County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Public Welfare, to serve until June 7, 1986, and until his successor is appointed and qualified, vice The Honorable David C. DiCarlo, Erie, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY**

May 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 Mrs. Mattie Chapman, 221 South Queen Street, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE**

May 12, 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 Dee Stelmach, DPM (Democrat), R. D. 11, Box 233, York 17406, York County, Thirty-first Senatorial District, for reappointment as a member of the York County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified.

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—46

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

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

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 Morton Krase, J.D., 9719 Laramie Road, Philadelphia 19115, Philadelphia County, Sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1982, vice The Honorable Levy Anderson, mandatory retirement.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

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

Senator LOEPER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, will the gentleman advise Members of the Senate as to whether or not Morton Krase was nominated within the ninety-day period as construed by the courts?

Senator LOEPER. Mr. President, if the gentleman would give me a minute, I will check our records.

Mr. President, the information I have received is, we do not have available the date the vacancy was made available. It is my understanding at this point the Governor's Office is closed for the day and that information would not be available to us.

Senator ZEMPRELLI. Mr. President, I may be able to help the gentleman. I am sure the gentleman will take my information as being factual as we do investigate these matters. The vacancy occurred on April 5, 1980. The nomination was made on March 21, 1981.

Mr. President, this particular nomination flies exactly in the face of the court construction with respect to the nominations to vacancies as construed by the Supreme Court and the Superior Courts of Pennsylvania. Mr. President, it is another indication of the laxness of the Governor's Office in making nominations to very important positions of key governing functioning. Here is an instance where there is not even a nominee who could be said to be serving in an ex officio capacity or one of an acting capacity. It is one that now should properly go to the electorate on the basis of first instance for election to that post.

For that reason, Mr. President, and without passing upon the merits of the gentleman at all, I am asking each and every Member of this Senate to recognize the laws of the Commonwealth of Pennsylvania and for that reason, to reject this nomination as being purely violative of the case law of Pennsylvania.

Senator LOEPER. Mr. President, I listened intently to the remarks of the gentleman from Allegheny, Senator Zemprelli. However, it seems to me the court decision also, when it came down, indicated a grandfather clause. It would seem to us this nomination would fall within the purview of the grandfather clause of that decision.

Senator ZEMPRELLI. Mr. President, the date of that very important decision was December 17th, being prospective of 1980. March 24th is more than ninety days thereafter, Mr. President.

Senator LOEPER. Mr. President, I believe the gentleman's remarks are correct. However, the appeals procedure for that court decision I believe would run past January 1, 1981.

Senator ZEMPRELLI. Mr. President, the appellate procedure, if the gentleman will take my word again, is concluded. There is no opportunity for appeal beyond this point, no appeal having been filed. Not only is that a matter of record, but that has been a matter for expression by the Governor's Office, as well as others who would have an interest in this matter, who may very well file an appeal in these proceedings.

It is res judicata and we are asking the Members of this very auspicious and otherwise formidable organization to vote according to the laws of the Commonwealth of Pennsylvania.

Senator STAUFFER. 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 STAUFFER. Mr. President, I would like the gentleman to share with me an additional amount of the gentleman's legal research on this question. Was there a twenty or thirty day appeal period which was available in that situation?

Senator ZEMPRELLI. Mr. President, there was.

Senator STAUFFER. Mr. President, would the gentleman then not agree that the time would not begin to run until the time period had expired? There would be no way to know whether an appeal would, in fact, be filed until the time period had expired.

Senator ZEMPRELLI. Mr. President, under no rule of judicial construction I am aware of does the appeal time enter as a time determining from which a period shall run. As a matter of fact, the order of court is the determining factor and that order of court is dated December 1981. The appellate time could only influence the fact to suspend the order of that date, but retroactivity for any purpose for failure to file an appeal or for any other purpose on the dismissal of any appeal would be retroactive to the date of the order.

Senator STAUFFER. Mr. President, it is possible the gentleman is correct. We also believe it is possible the gentleman may be mistaken. There are some possible vagaries here. Since we have an important office at stake, we do not believe the gentleman should be disqualified from consideration because of one of those possible vagaries.

Mr. President, I would, therefore, ask for an affirmative vote on the nomination.

Senator ZEMPRELLI. Mr. President, I would ask the gentleman two questions: What are the vagaries the gentleman alludes to, and secondly, in the gentleman's judgment, what date does the gentleman believe the appeal time was suspended or ran out?

Senator STAUFFER. Mr. President, it is my judgment that the appeal date would have run out thirty days after the order.

Senator ZEMPRELLI. Mr. President, that is absolutely true but is the gentleman aware of the fact that embodied in the order it is also stated by the court the day at which these matters should become effective?

Senator STAUFFER. Mr. President, I will accept the gentleman's word for that. I had not personally researched the situation but it was our belief, as I say, that the nomination was timely because of that thirty-day appeal period.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—26

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

NAYS—20

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

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, DELAWARE COUNTY

March 25, 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 Esther F. Clark, J.D., 207 Knoll Road, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-second Judicial District of Pennsylvania, composed of the County of Delaware, to serve until the first Monday of January, 1982, vice The Honorable Joseph W. deFuria, mandatory retirement.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, I would ask all Members of the Senate to vote favorably on the nomination of Esther F. Clark.

Senator KELLEY. Mr. President, would the gentleman from Delaware, Senator Bell, permit himself to be interrogated?

Senator STAUFFER. I do not see the gentleman on the floor, Mr. President.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Gekas.

The PRESIDENT. Will the gentleman from Dauphin, Senator Gekas, permit himself to be interrogated?

Senator GEKAS. I will, Mr. President.

Senator KELLEY. Mr. President, the gentleman in years past served as a Member of the Committee on Judiciary and has served in this Senate long enough to know that this nominee was also nominated to the bench of the Delaware County Court of Common Pleas by the former administration, Executive Governor Shapp, is that correct?

Senator GEKAS. Mr. President, to the best of my recollection, yes.

Senator KELLEY. Mr. President, the gentleman is Chairman of the Committee on Judiciary, he presided at the public hearing on the qualifications of Esther Clark, is that correct?

Senator GEKAS. Mr. President, that is correct.

Senator KELLEY. Mr. President, the gentleman was present and this nominee was reported out with favorable recommendations, is that correct?

Senator GEKAS. Yes, Mr. President, just as Morton Krase, the previous nominee, was.

Senator KELLEY. Yes, Mr. President.

Senator GEKAS. Mr. President, in fact I think it was at the same time, on the same occasion, on the same list of nominees that were before the Committee on Judiciary.

Senator KELLEY. Mr. President, the gentleman also was present when the gentleman from Delaware, Senator Bell, introduced Mrs. Clark to the committee?

Senator GEKAS. Mr. President, that is correct.

Senator KELLEY. Mr. President, he recommended her confirmation, is that correct?

Senator GEKAS. Mr. President, that is correct. Notwithstanding that recommendation, she was recommended favorably to the Committee on Rules and Executive Nominations.

Mr. President, of course I said that with quotations of facetiousness.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Gekas.

The PRESIDENT. Will the gentleman from Dauphin, Senator Gekas, permit himself to be interrogated?

Senator GEKAS. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, within the definition of a timely appointment, was there any problem with respect to the nomination of Esther Clark?

Senator GEKAS. No, Mr. President, nor was there with Mr. Krase at the time of the hearings of the Committee on Judiciary.

Senator ZEMPRELLI. Mr. President, I certainly did not ask the gentleman about Mr. Krase, we do not want to redevelop that.

Senator GEKAS. Mr. President, I would like to talk about Mr. Krase.

Senator ZEMPRELLI. Mr. President, the difficulty when we are interrogating a lawyer is that the gentleman has had some expertise in response. Although my direct and final question to him is just as succinct as it can possibly be, and would be responsive if the gentleman would direct his attention only, Mr. President, to the illustrious Mrs. Clark, I will repeat, was there anything wrong with the nomination of Esther Clark, as opposed to any other nominee ever nominated before in the Commonwealth of Pennsylvania?

Senator GEKAS. Mr. President, as opposed to any other nominee like Mr. Krase? No, Mr. President.

Senator ZEMPRELLI. Mr. President, I have no further questions.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Gekas.

The PRESIDENT. Will the gentleman from Dauphin, Senator Gekas, permit himself to be interrogated?

Senator GEKAS. I will, Mr. President.

Senator KELLEY. Mr. President, does the gentleman recollect a conversation between the gentleman and me relevant to the timing with which the nomination of Mr. Krase was submitted to the Senate and it was agreed upon by the gentleman from Dauphin, Senator Gekas, and me, that this would be something that would be raised on the floor and not in the committee?

Senator GEKAS. Mr. President, I recall some conversation between the gentleman from Westmoreland, Senator Kelley, and myself.

Senator KELLEY. Mr. President, I just want the public record to show that it was a matter of consideration and the

gentleman from Dauphin, Senator Gekas, and I agreed at that time it would be something that would be raised on the floor and not in the committee because the committee was dealing with his qualifications and not necessarily the timing with which the nomination was submitted.

Senator GEKAS. Mr. President, I believe that may be correct. I am not sure that the same names were involved, that is the only thing. My recollection does not encompass the names in question.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—22

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

NAYS—24

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

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

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.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR LINCOLN

Senator ZEMPRELLI. Mr. President, Senator Lincoln had to leave the Senate Chambers for a meeting in his office having to do with legislative matters. I am requesting legislative leave on his behalf until he is able to return.

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

LEAVE OF ABSENCE

Senator STAUFFER asked and obtained leave of absence for Senator HOWARD, for personal reasons.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 569 (Pr. No. 1017) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

SB 893 (Pr. No. 977), SB 894 (Pr. No. 978), SB 895 (Pr. No. 979), SB 896 (Pr. No. 980), SB 897 (Pr. No. 981) and SB 898 (Pr. No. 982) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1290 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL REREFERRED

SB 74 (Pr. No. 74) — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 81, 83, 116 and 117 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

HB 261 (Pr. No. 1671) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

O'CONNELL AMENDMENTS I

Senator O'CONNELL offered the following amendments:

Amend Sec. 5, page 4, line 4, by inserting a period after "only"

Amend Sec. 5, page 4, lines 4 through 6, by striking out "in which case any charitable organization may" in line 4, all of line 5 and "the game." in line 6

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, these amendments would allow nonmembers to conduct bingo games at carnivals and fairs. These are merchandise games and they would permit that extension.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator O'Connell.

The PRESIDENT. Will the gentleman from Luzerne, Senator O'Connell, permit himself to be interrogated?

Senator O'CONNELL. I will, Mr. President.

Senator MELLOW. Mr. President, would the gentleman from Luzerne, Senator O'Connell, tell us if this would put bingo into the hands of private interests, is that what these amendments would do?

Senator O'CONNELL. Mr. President, I am sorry, I did not hear the gentleman.

Senator MELLOW. Mr. President, would this allow professionals to get involved in the bingo activity?

Senator O'CONNELL. Technically, yes, Mr. President. It would allow professionals, it would allow promoters to operate a bingo game, a merchandise game at carnivals and fairs and at firemen's bazaars where that event would take place for a period not to exceed ten days.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator STAUFFER. Mr. President, I would like to change Senator Hager's vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—16

Bodack	Hopper	Murray	Romanelli
Corman	Lewis	O'Connell	Ross
Hager	Mellow	Price	Street
Holl	Moore	Rhoades	Zemprelli

NAYS—23

Andrezeski	Hess	McKinney	Snyder
Bell	Kelley	Manbeck	Stapleton
Early	Kusse	Messinger	Stauffer
Fisher	Lloyd	Pecora	Stout
Gekas	Loeper	Shaffer	Wilt
Greenleaf	Lynch	Singel	

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?

O'CONNELL AMENDMENTS II

Senator O'CONNELL offered the following amendments:

Amend Sec. 3, page 3, by inserting between lines 6 and 7:

"Licensing authority." The county treasurer, or in any home rule county or city of the first class, where there is no elected treasurer, the designee of the governing authority.

Amend Sec. 5, page 3, lines 13 through 15, by striking out all of said lines and inserting: The licensing authority shall license, upon

Amend Sec. 5, page 3, lines 23 and 24, by striking out "county treasurer" and inserting: licensing authority

Amend Sec. 5, page 5, line 2, by striking out "COUNTY TREASURER" and inserting: licensing authority

Amend Sec. 6, page 5, line 30, by striking out "county treasurer" and inserting: licensing authority

Amend Sec. 6, page 7, line 6, by striking out "COUNTY TREASURER" and inserting: licensing authority

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

Senator O'CONNELL. Mr. President, these amendments just clarify some language in the home rule counties where we had a little bit of difficulty and they allow the governing authority of those political subdivisions to designate the person who should issue the bingo licenses.

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

Presently, Mr. President, in the bill, it says, "Each association shall apply to the county treasurer for a license on a form to be prescribed by the Secretary of the Commonwealth." Since home rule counties do not have treasurers, then what we are suggesting here is that the governing authority designate the issuing agent.

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?

O'CONNELL AMENDMENT III

Senator O'CONNELL offered the following amendment:

Amend Sec. 5, page 4, line 1 by striking out "have been chartered for two years, and"

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

Senator O'CONNELL. Mr. President, what this amendment does is, the present version of House Bill No. 261 allows an association chartered for at least two years to hire nonassociation members to conduct a bingo game for them at their annual carnivals or expositions, not exceeding ten days in length. The requirement is contained both in the definition of association and in the body of the bill. This amendment removes the statement of this requirement contained in the body. The result is editorial and clarifying.

Mr. President, I would ask an affirmative vote.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—24

Andrezeski	Greenleaf	Manbeck	Price
Bell	Hager	Mellow	Rhoades
Bodack	Hopper	Moore	Romanelli
Corman	Lewis	Murray	Stauffer
Fisher	Loeper	O'Connell	Street
Gekas	McKinney	Pecora	Tilghman

NAYS—18

Early	Lincoln	Ross	Stapleton
Hess	Lloyd	Shaffer	Stout
Holl	Lynch	Singel	Wilt
Kelley	Messinger	Snyder	Zemprelli
Kusse	Reibman		

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

And the question recurring,

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

CORMAN AMENDMENT

Senator CORMAN offered the following amendment:

Amend Sec. 5, page 3, line 17, by inserting after "county.": The association shall be permitted to conduct the game of bingo at the association's exposition or carnival site in addition to the regularly scheduled games for which the license was originally granted for a period not to exceed ten days.

On the question,

Will the Senate agree to the amendment?

Senator CORMAN. Mr. President, there are many volunteer fire companies across the Commonwealth of Pennsylvania and they have expressed a question to me as to whether this bingo bill would require them to have two licenses, one for conducting bingo in their regular fire hall and the second one at their carnival site as almost all of them have a carnival. My amendment would specify that they may conduct bingo at their carnival site for a period not exceeding ten days on the same license they used to conduct bingo in the fire hall all year long.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

MELLOW AMENDMENT

Senator MELLOW offered the following amendment:

Amend Sec. 5, page 3, line 24, by inserting after "treasurer":

as follows: (1) Seventy-five percent of each fee shall be paid to the public library fund within the county.

(2) Twenty-five percent of each fee shall be paid

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, for the purposes of explanation, what my amendment does, it establishes that seventy-five per cent of the fee that is collected, or the \$100 that would be paid to the county, would be used to support public libraries within that particular county and the other twenty-five per cent or \$25 would go into the General Fund for purposes to be used at the county's discretion.

Mr. President, my reason for introducing this amendment is at the request of the public libraries throughout the Commonwealth and those that are having a very difficult time making ends meet. In many cases, Mr. President, we have county governments and counties who are benefiting tremendously from these free public libraries and our counties are not contributing whatsoever to the general operation. What this amendment would do would set aside seventy-five per cent of the fee paid to the county to be used to support public libraries within their county.

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

Senator O'CONNELL. Mr. President, the amendment may be worthy, but in any event, we had discussed the fees that would be charged and we discussed it with the issuing agencies, the County Treasurer's Association, and they felt the \$100 was required to cover their cost and to do the job that was necessary in issuing a license. What is going to happen here is they are going to be a little unhappy with the dilution of this factor because it is going to reduce the monies that effectively would go into the County Treasurer for providing the necessary paperwork and the necessary investigations to issue the licenses.

Mr. President, I would oppose the amendment.

Senator MELLOW. Mr. President, I think first of all the counties today are not anticipating this money so it is not money that is going to come out of their general operation budget. I think secondly, Mr. President, \$25 for a county to be able to issue a license in most parts, something that is already on line, \$25, Mr. President, would be more than enough for them to issue this particular type of license.

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

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

NAYS—23

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

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?

ROMANELLI AMENDMENT I

Senator ROMANELLI offered the following amendment:

Amend Sec. 3, page 2, line 14, by inserting after "fraternal,": political,

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, the amendment I rise to offer is a very simple amendment. In conversation with the manager of this bill, the gentleman from Luzerne, Senator O'Connell, the gentleman informed me that political organizations or nonprofit organizations would be covered by House Bill No. 261.

Mr. President, this amendment simply spells out political organizations. It just says "political." It adds that to the body of the bill.

Senator O'CONNELL. Mr. President, I did not indicate that but they may very well fall into that purview, but I am not sure. It is not the intent of this bill to continue to extend it. The bill is pretty determined in the direction that it is taking and to continue to expand it in my judgment would be a dangerous move.

Mr. President, I would oppose the amendment.

Senator ROMANELLI. Mr. President, there are all kinds of ladies clubs that have political titles. There are all kinds of regular organizations that are nonprofit organizations, who have political titles, and this would just extend the coverage to them. They are no different than fire companies; they are no different than any charitable organization. It is a very simple amendment.

Senator TILGHMAN. Mr. President, if I understand the amendment correctly, it would mean that the Republican State Committee and the Democratic State Committee could run a lottery. I am certainly opposed to that, Mr. President, and would ask for a negative vote on this amendment.

Senator KELLEY. Mr. President, I do not understand the gentleman from Montgomery, Senator Tilghman. It would seem to me that we know when we have lotteries for the churches and the fire halls and everything, the full purpose is

to raise money for those. If we look at the history of the Commonwealth, all the churches initially in the City of Brotherly Love were built with lottery funds.

Mr. President, as we go through life, what is the greatest lottery that the people experience? It is right here in this Chamber. It is government. I do not see any reason in the world why all of us should not join in and say, "If the lottery is here, then we ought to finance it with a lottery." That is the most intellectually honest thing we could do. I think the Members ought to vote for this amendment, Mr. President.

Senator O'CONNELL. Mr. President, House Bill No. 261 clearly spells the purpose. It is for charitable purposes, benevolent and philanthropic organizations, civic purposes and community purposes. I do not really believe then, Mr. President, in the true definition that the political parties fall in any of those categories.

Senator EARLY. Mr. President, I think we have to keep in mind the magnitude of this particular amendment. We have 203 House Members, fifty Senators, every one of which would be permitted to have a bingo for his election. We have county offices, we have school board members, we have local townships, we have borough council members, every one of them plus all their opponents would be permitted to hold a bingo. Bingo would be on every block in this State.

Mr. President, I think the amendment is a little bit ridiculous and I urge a negative vote.

Senator ROMANELLI. Mr. President, the gentleman from Allegheny, Senator Early, does not know what he is talking about because it clearly states you cannot be elected by holding these type raffles. We are not speaking about a lottery, we are speaking about a bingo game that presently exists all over this Commonwealth anyhow. All I am trying to do is make it legal. If we are going to legalize it, then let us not be prostitutes. Let us make it legal for everybody. Why should political organizations automatically become second-class citizens? I do not think there is anybody in this Chamber that has not done something in the form of a lottery somewhere along his political career.

Senator BELL. Mr. President, I am partly deaf from machine gun fire from World War II, did the gentleman from Allegheny, Senator Romanelli, suggest we legalize prostitution?

Senator ROMANELLI. Mr. President, the gentleman is deaf and a couple of other things with it.

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

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

Senator ROMANELLI. I will, Mr. President.

Senator EARLY. Mr. President, the gentleman had indicated I did not know what I was talking about. Would he explain the part I elaborated on that was incorrect?

Senator ROMANELLI. Mr. President, the gentleman said 203 House Members and fifty Senators plus every other political organization would be holding bingos.

Senator EARLY. Is that incorrect, Mr. President?

Senator ROMANELLI. How does the gentleman know that, Mr. President?

Senator EARLY. Mr. President, I indicated they could hold bingos, is that correct or incorrect?

Senator ROMANELLI. I would imagine so, Mr. President.

Senator EARLY. The gentleman could imagine so what, Mr. President?

Senator ROMANELLI. That they would be allowed to hold bingos, Mr. President.

Senator EARLY. Mr. President, would the gentleman please tell me where I did not know what I was talking about?

Senator ROMANELLI. I think it says in the Constitution, Mr. President, that we are not allowed to conduct raffles to fund campaigns or in the Ethics Act? It is one of the acts, but I am not sure.

Senator EARLY. Mr. President, is that not what the gentleman is trying to do with this amendment?

Senator ROMANELLI. No, Mr. President, that is not the intent of this amendment. It is the intent of this amendment that lets political organizations such as ward organizations, borough and township organizations conduct bingo games. That is the intent of the amendment.

Senator EARLY. Mr. President, does the amendment say that? Or did the amendment permit campaign organizations, political party organizations to hold a bingo?

Senator ROMANELLI. Mr. President, the amendment simply states "political."

Senator EARLY. Well, I think this is getting ridiculous, Mr. President. I will then stand on my original statement that individuals running for political office, which are numerous in our State, would be permitted under this amendment to hold a bingo which is totally irresponsible.

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

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

YEAS—8

Bodack	Lewis	Messinger	Romanelli
Kelley	Lynch	Murray	Zemprelli

NAYS—31

Andrezeski	Hess	Moore	Snyder
Bell	Holl	O'Connell	Stapleton
Corman	Hopper	Pecora	Stauffer
Early	Kusse	Price	Stout
Fisher	Lincoln	Rhoades	Street
Gekas	Lloyd	Ross	Tilghman
Greenleaf	Loeper	Shaffer	Wilt
Hager	Mellow	Singel	

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?

ROMANELLI AMENDMENTS II

Senator ROMANELLI offered the following amendments:

Amend Title, page 1, line 1, by inserting after "bingo": and video gaming device

Amend Bill, page 1, by inserting between lines 4 and 5:

CHAPTER 1
GENERAL PROVISIONS

Amend Sec. 1, page 1, line 5, by striking out "1." and inserting: 101.

Amend Sec. 1, page 1, line 6, by inserting after ""Bingo": and Video Gaming Device

Amend Sec. 2, page 1, line 7, by striking out "2." and inserting: 102.

Amend Sec. 2, page 1, by inserting between lines 7 and 8: (a) Bingo.—

Amend Sec. 2, page 1, line 8, by inserting before "The": (1)

Amend Sec. 2, page 1, line 12, by inserting before "It": (2)

Amend Sec. 2, page 2, line 2, by inserting before "The": (3)

Amend Sec. 2, page 2, by inserting between lines 7 and 8:

(b) Video gaming devices.—The General Assembly hereby finds and declares to be the public policy of this Commonwealth, the following:

(1) The tourist, resort, convention, hotel and retail liquor industry of this Commonwealth constitutes a critical component of its economic structure and, if properly developed, controlled and fostered, is capable of providing a substantial contribution to the general welfare, health and prosperity of the Commonwealth and its inhabitants.

(2) The allowance of the controlled use of video gaming machines in these establishments will add to their continued prosperity, will attract new investment capital to the Commonwealth and will benefit all of the Commonwealth's inhabitants.

(3) The allowance of the controlled use of video gaming machines in these establishments will provide a means through which to curb illegal gambling operations in the Commonwealth and will provide substantial, taxable revenue within the Commonwealth.

(4) The General Assembly recognizes the possibility of association between commercial gambling and organized crime and wishes to prevent participation by organized crime and prevent the diversion of funds from the purposes herein authorized.

CHAPTER 2
BINGO

Amend Sec. 3, page 2, line 8, by striking out "3." and inserting: 201.

Amend Sec. 3, page 2, line 9, by striking out "act" and inserting: chapter

Amend Sec. 4, page 3, line 7, by striking out "4." and inserting: 202.

Amend Sec. 4, page 3, line 9, by striking out "act" and inserting: chapter

Amend Sec. 5, page 3, line 11, by striking out "5." and inserting: 203.

Amend Sec. 5, page 3, line 16, by striking out "3" and inserting: 201

Amend Sec. 6, page 5, line 29, by striking out "6." and inserting: 204.

Amend Sec. 6, page 6, line 13, by striking out "5" and inserting: 203

Amend Sec. 7, page 7, line 10, by striking out "7." and inserting: 205.

Amend Sec. 7, page 7, line 19, by striking out "act" and inserting: chapter

Amend Sec. 8, page 7, line 21, by striking out "8." and inserting: 206.

Amend Bill, page 8, by inserting between lines 4 and 5:

CHAPTER 3
VIDEO GAMING DEVICES

Section 301. Definitions.

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

“Approved video gaming device.” A video gaming device which has been approved by the secretary for use in a licensed establishment.

“Director.” The Director of the Division of the State Lottery in the Department of Revenue.

“Eligible establishments.” Any club, restaurant, hotel, resort, bar or other establishment which possesses a valid retail liquor license or is otherwise authorized to serve alcoholic beverages on a regular basis under the act of April 12, 1951 (P.L.90, No.21), known as the “Liquor Code,” or any airport or convention center whether or not licensed as a retail liquor establishment, which procures a license to operate gaming devices under the provisions of this chapter.

“Licensee.” Any person who is licensed under any of the provisions of this chapter.

“Person.” Any corporation, association, operation, firm, partnership, trust or other form of business association, as well as a natural person.

“Secretary.” The Secretary of Revenue of the Commonwealth of Pennsylvania.

“Video gaming device.” An electronic machine, without a handle, which has a video screen upon which various types of card games, including bingo, keno, blackjack, poker and other games can be played by the person operating the machine. The machine must be microcomputerized, contain a visual accounting system that becomes visual with the turn of a key, will accept only real coins and not tokens and makes payment through the machine itself.

Section 302. Who may operate.

Any eligible establishment to which a license has been issued under the provisions of this chapter may set in place and operate approved video gaming devices for use on its licensed premises.

Section 303. Powers of secretary.

The secretary shall have the duty and power to:

(1) Provide for the licensing of eligible establishments to hold, operate and permit the operation of approved video gaming devices on their licensed premises.

(2) Prescribe the form of applications for licenses and for the licenses.

(3) Issue licenses permitting the operation of approved video gaming devices on the licensed premises.

(4) Prescribe rules and regulations for the supervision of licensees.

(5) Prescribe the types of video gaming devices that may be used in a licensed establishment, with an emphasis on devices which are tamperproof, record individual payoffs and reject the use of slugs and are approved for use in other states that license their use.

(6) Prescribe rules and regulations for the suspension or revocation of licenses for violation of this chapter or the rules and regulations thereunder.

(7) Hold hearings on requests in cases of refusal of a license.

Section 304. License fees.

(a) Licensed establishments.—An eligible establishment shall be issued a license to permit the operation of approved gaming devices on the licensed premises upon payment of a fee in the amount of \$100, which shall be nonrefundable. The fee shall apply to the calendar year in which it is issued and shall be renewed annually at the same rate.

(b) Machine fees.—Each licensee shall pay annually to the secretary the sum of \$1,000 for each machine operated on the licensed premises during each calendar year. Each licensee shall

indicate to the secretary the total number of machines it expects to operate in the licensed premises during the calendar year at least 60 days prior to the start of the calendar year. Once the machines are in place, the licensee shall supply the secretary with a complete description of each machine. The secretary shall, by regulation, provide for the payment of the fees prescribed under this subsection either on an annual or quarterly basis and shall keep records of the location of each machine being operated within the Commonwealth.

Section 305. Refusal; revocation of licenses.

The secretary shall not issue a license to or shall revoke the license of any establishment whenever it finds that:

(1) The licensee is operating or has operated a gaming device without paying the annual fee therefor.

(2) The licensee has a video gaming device in operation without having supplied information concerning the machine to the secretary.

(3) The licensee is operating or operated a video gaming device of a type which has not been approved by the secretary.

(4) The licensee has not reported or has hidden profits derived from the operation of a video gaming device.

(5) The licensee has failed to keep such records or books as the secretary shall prescribe.

(6) The licensee has allowed anyone under the age of 18 to operate a video gaming device.

(7) The licensee has been convicted of a felony or of the manufacture or distribution of illegal gambling devices.

Section 306. Deposit of fees.

All money derived from fees paid under this chapter shall be deposited into the General Fund.

Section 307. Penalties.

(a) Summary offense.—Any licensee who shall violate the provisions of this chapter shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000.

(b) Misdemeanor.—Any person failing to file a tax return, failing to pay the tax or filing fee, or filing or causing to be filed or making or causing to be made or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement, which is willfully false or failing to keep any records required by this chapter or rules and regulations adopted hereunder, shall, in addition to any other penalty herein or elsewhere prescribed, shall be guilty of a misdemeanor and subject to not more than three years imprisonment or a fine of up to \$100,000, or both.

(c) Other penalties.—Any licensee who shall fail to file his tax returns when due or to pay any tax, filing fee or deposit, when the same becomes due, shall be subject to such penalties and interest as are provided for in section 403 of the act of March 4, 1971 (P.L.6, No.2), as amended, known as the “Tax Reform Code of 1971.”

CHAPTER 4
MISCELLANEOUS PROVISIONS

Amend Sec. 9, page 8, line 5, by striking out “9.” and inserting: 401.

Amend Sec. 10, page 8, line 9, by striking out “10.” and inserting: 402.

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, these amendments to House Bill No. 261 legalize video gaming devices that are presently in existence all over this Commonwealth. Personally, I know in the City of Pittsburgh and Allegheny County, I am aware of gaming devices in taverns, in clubs all over are in existence. There is some thought that they are legal, there are

some rulings that they are illegal. What these amendments will do is legalize those gaming devices, have them licensed by the Commonwealth, the designee would be the Secretary of the Commonwealth or the Secretary of Revenue would license these gaming devices. Each machine in existence would pay to the Commonwealth a \$1,000 annual fee for every machine on the premises and the proceeds would go to the Lottery Fund.

Senator O'CONNELL. Mr. President, I would oppose these amendments. These are one of the most far-reaching proposals and they would have a tremendous impact. I believe it is of such magnitude that if it were at all to be considered, it ought to be considered on its own merit and really not via the amendment process. The gentleman who is interested in this was in my office for some time attempting to explain this operation to me and it is rather difficult to understand just exactly how it would function. I think it ought to be dealt with in a separate bill and on its own merits.

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

The PRESIDENT. Would the gentleman from Allegheny, Senator Romanelli, permit himself to be interrogated?

Senator ROMANELLI. I will, Mr. President.

Senator EARLY. Mr. President, I think something has been left out. The games presently in the establishments are legal. I believe the gentleman forgot to tell us if we would win, we would be paid off in quarters or some type of monetary value, is that correct?

Senator ROMANELLI. Yes, Mr. President.

Senator EARLY. Mr. President, I think that is just a little bit different than what we are confronted with. They are legal. We have Atari games and Space Raiders and so forth that are legal. What these amendments will do, they will create a slot machine with these specific games. I do not think we in Pennsylvania are ready to say we want to legalize slot machines, especially in the form of amendments to a bingo bill.

Mr. President, I think a negative vote would certainly be in order.

Senator ROMANELLI. Mr. President, it is not a slot machine, they are electronic games operated on video-type screens. There are no levers whatsoever involved. There are no slot machines involved in these amendments. The amendments do call for a payout on the machines. I understand they do it presently. I am not aware of it personally but I understand they do it presently. There is some controversy over whether these machines are legal or are not legal. These amendments would legalize them.

And the question recurring,

Will the Senate agree to the amendments?

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

Senator ROMANELLI. Mr. President, in light of the statement of the gentleman from Luzerne, Senator O'Connell, that he will entertain a bill, I am going to withdraw the amendments.

The PRESIDENT. The withdrawal of the amendments are not in order at this time. The roll call has already begun.

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

YEAS—1

Romanelli

NAYS—38

Andrezeski	Holl	Messinger	Singel
Bell	Hopper	Moore	Snyder
Bodack	Kelley	Murray	Stapleton
Corman	Kusse	O'Connell	Stauffer
Early	Lewis	Pecora	Stout
Fisher	Lincoln	Price	Street
Gekas	Lloyd	Rhoades	Tilghman
Greenleaf	Loeper	Ross	Wilt
Hager	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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?

LEWIS AMENDMENT I

Senator LEWIS offered the following amendment:

Amend Sec. 5, page 5, line 22 by removing the period after "(C)" and inserting: and except those religious associations which have conducted the playing of bingo more than twice per week for at least one year prior to the effective date of this act.

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment does not propose any change in the substance of the bill as it is now before us. What it does is to essentially propose what we commonly refer to as a grandfathering situation in a specific and narrow and, I think, deserving area.

House Bill No. 261 currently restricts the numbers of times per week when a qualified organization can conduct bingo off of its premises to twice. There are some circumstances which have come to my attention in which organizations that do and will qualify to conduct bingo games under the bill as it now stands have, for what I believe to be legitimate purposes, been conducting bingo more than twice off of their premises. A specific one that I can recite, Mr. President, that I think is an excellent example of the kind of situation that we need to be concerned about involves a synagogue which has been conducting bingo on a number of occasions per night at a local rented hall. The purpose of it is to raise enough money so they can meet their needs and hopefully build a synagogue for themselves at sometime in the near future. They are currently conducting services out of essentially the basement of a house. They have been conducting bingos and collecting the monies so that hopefully at some point they will be able to accomplish these purposes.

Mr. President, I think that is legitimate and worthwhile and something that we ought to give recognition to. All the amendment says is the two nights per week limitation on bingos conducted away from your own premises will have an exception that will extend to religious associations which have

been conducting bingo more frequently than that for at least one year prior to the effective date of this bill.

Mr. President, I would ask approval of this amendment.

Senator O'CONNELL. Mr. President, I am not sure exactly what that explanation was. I had a difficult time and did not hear it all. Is there a copy of that amendment available?

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

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

Senator LEWIS. I will, Mr. President.

Senator O'CONNELL. Mr. President, does this include amusement parks?

Senator LEWIS. No, Mr. President, it does not.

Senator O'CONNELL. Mr. President, I saw this for the first time and I thought I might have referenced another amendment that we might have been considering. What this amendment does is extend the permission to play beyond more than two nights, is that correct, Mr. President?

Senator LEWIS. Mr. President, they would give permission only to religious associations which have been conducting bingo more than twice per week for at least a year before the effective date of this act, it would give them permission to continue to conduct bingo more than twice per week along the same pattern as they have in the past, and it is limited only to religious organizations.

Senator O'CONNELL. Mr. President, I have been in contact with a number of religious organizations throughout the State who might have had an interest in the game of bingo and most of them were satisfied with the fact that they would operate two nights and they were, again, in large part agreeable to the level of the prizes.

Mr. President, I think this would cause proliferation of the game and each of them then would be back for an extension of the privilege and I think it would bring into a particular neighborhood a lot of difficulty.

Mr. President, I would oppose the amendment.

Senator GEKAS. Mr. President, I am bothered a little bit by the proposal in that it seems to be crystalizing into the law an illegality that exists in the situation that the gentleman from Bucks, Senator Lewis, seems to build this amendment around. To grandfather illegal activity into a new law is somehow opprobrious, it stinks.

Senator LEWIS. Mr. President, it seems to me to be clear that there is a great deal of confusion or misunderstanding about this amendment. It has nothing to do with prizes, I want to assure the gentleman from Luzerne, Senator O'Connell, and most religious organizations would have no concern about the limitation on two nights per week because most of those bingo activities are conducted on their premises. I am sure the gentleman understands there is no limitation to the number of nights upon which bingo can be conducted provided it is on your own premises. That can be done seven nights a week. The limitation is only with respect to bingo that is conducted away from the premises.

Mr. President, I am telling the gentleman there are religious groups which, in fact, have been conducting bingo away from the premises more than two nights a week for what I think are very worthwhile and meritorious purposes. I gave the gentleman the example of the one synagogue with which I am familiar that is attempting to collect monies so they can build a building and then conduct their own bingos on their premises.

Mr. President, with respect to the comments of the gentleman from Dauphin, Senator Gekas, none of us are that naive or that hypocritical as to not recognize there are illegalities being conducted on a regular basis by everyone who is currently involved in bingo. That is why we are concerned about trying to do something. I think what we need is to be realistic enough to recognize the legitimate needs that exist in the community with these organizations that we are trying to help.

Mr. President, all this amendment does is to speak to one of these needs I think we will find to be real and to exist not in large numbers across the Commonwealth, but in enough circumstances where the failure to adopt the amendment will have a very detrimental effect upon those who will be excluded.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

Bodack	Lloyd	O'Pake	Singel
Early	Lynch	Reibman	Stapleton
Greenleaf	Mellow	Romanelli	Stout
Kelley	Messinger	Ross	Street
Lewis	Murray	Scanlon	Zemprelli
Lincoln			

NAYS—22

Andrezeski	Hess	Moore	Shaffer
Bell	Holl	O'Connell	Snyder
Corman	Hopper	Pecora	Stauffer
Fisher	Kusse	Price	Tilghman
Gekas	Loeper	Rhoades	Wilt
Hager	Manbeck		

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?

LEWIS AMENDMENTS II

Senator LEWIS offered the following amendments:

Amend Sec. 2, page 1, line 10, by inserting after "purposes,": or for seasonal amusement

Amend Sec. 3, page 2, by inserting between lines 11 and 12:

"Seasonal amusement park." A business for furnishing to the public wholesome entertainment, including bingo for merchandise only.

Amend Sec. 4, page 3, line 7, by inserting after "Associations": and seasonal amusement parks

Amend Sec. 4, page 3, line 8, by inserting after "purpose,": or seasonal amusement park for entertainment and merchandise only,

Amend Sec. 5, page 3, line 16, by inserting after "association": or seasonal amusement park

Amend Sec. 5, page 3, line 22, by striking out "or" and inserting a comma

Amend Sec. 5, page 3, line 22, by inserting after "fair": or seasonal amusement park

Amend Sec. 5, page 4, line 6, by inserting after "game.": A seasonal amusement park bingo game shall be run by an employee of the owner.

Amend Sec. 5, page 5, line 1, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 5, page 5, line 7, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 5, page 5, line 11, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 5, page 5, line 13, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 5, page 5, line 14, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 5, page 5, line 24, by removing the period after "PRIZES" and inserting: , or that a seasonal amusement park will award only merchandise prizes.

Amend Sec. 6, page 6, line 4, by inserting after "bingo": except in the case of a seasonal amusement park

Amend Sec. 6, page 6, line 16, by inserting after "association": or seasonal amusement park

Amend Sec. 6, page 6, line 18, by inserting after "association": or seasonal amusement park

Amend Sec. 6, page 6, line 28, by inserting after "ASSOCIATION": or seasonal amusement park

Amend Sec. 6, page 7, line 7, by inserting after "ASSOCIATION" where it appears the first time: or seasonal amusement park

Amend Sec. 6, page 7, line 7, by inserting after "ASSOCIATION" where it appears the second time: or seasonal amusement park

Amend Sec. 7, page 7, line 11, by inserting after "association": or seasonal amusement park

Amend Sec. 7, page 7, line 15, by removing the comma after "association" and inserting: or seasonal amusement park,

Amend Sec. 7, page 7, line 19, by inserting after "association": or seasonal amusement park

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, these are the amendments that the gentleman from Luzerne, Senator O'Connell, was looking to support a little while ago.

These amendments deal with the amusement parks. What they do, we have to recognize in House Bill No. 261 as it now stands, is provide the opportunities for carnivals, for fairs, for our county fairs, for some firemen's carnivals to conduct bingos for noncash prizes, for merchandise only.

Mr. President, we do have a number of amusement parks in Pennsylvania that have conducted bingo for merchandise for noncash prizes for a number of years, be it legal or illegal. I think again we should take recognition of the fact that a legitimate situation exists and these amendments, again, would merely give the seasonal amusement parks in Pennsylvania the opportunity to continue to conduct their bingos for noncash prizes as they have done in the past.

Senator O'CONNELL. Mr. President, during consideration of House Bill No. 261 when it was before the Committee on State Government, I confessed to being a bingo operator. I would also, Mr. President, at this time like to confess to having a substantial interest in an amusement park. I was a member of the Amusement Park Association of the State of Pennsylvania. Mr. President, I realize and recognize that problem. However, they really do not come under the bill in regards to the nonprofit concepts that are referred to here and for which the original purpose was intended.

In addition to that, Mr. President, if we are going to allow them to participate, then I have a whole host of other businesses in the Endless Mountains, in the Pocono Mountains or resort areas, that would expect the same privileges extended to them.

For that reason, Mr. President, I would oppose the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—12

Boback	Lloyd	Murray	Ross
Lewis	Mellow	Rhoades	Scanlon
Lincoln	Messinger	Romanelli	Zemprelli

NAYS—28

Andrezeski	Hager	Manbeck	Snyder
Bell	Hess	Moore	Stapleton
Corman	Holl	O'Connell	Stauffer
Early	Hopper	Pecora	Stout
Fisher	Kelley	Price	Street
Gekas	Kusse	Shaffer	Tilghman
Greenleaf	Loeper	Singel	Wilt

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?

RECONSIDERATION OF O'CONNELL
AMENDMENTS I

Senator O'CONNELL. Mr. President, I move to reconsider the vote by which O'Connell Amendments I to House Bill No. 261 were defeated.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,
Will the Senate agree to O'Connell Amendments I?

Senator O'CONNELL. Mr. President, I just want to clarify this. The reason and the necessity for these particular amendments is to accommodate the 105 fairs that are conducted throughout the State of Pennsylvania, beginning now and going through the fall, some of the substantial ones like Bloomsburg, Allentown and others where it will be difficult for them to get the nonprofit people to actually conduct the bingos. Some of them, in the midways, they have five and six of those particular stands set up. We had a number of meetings with the associations on a Statewide basis and they thought originally they might be able to really circumvent this provision that now exists in the bill. Unfortunately they are unable to do it.

Mr. President, these amendments do provide for them. They are the exception. They do give those people who are traveling with the fairs, referred to as promoters, an opportunity to conduct the bingo under the auspices of most of the fairs in that particular area or in some instances, in very few instances, fire companies in the State of Pennsylvania.

Mr. President, that is the purpose of the amendments and that is the intent of them. I thought, perhaps, if we would clarify them, there may be a reconsideration by some of the Members.

Senator EARLY. Mr. President, these amendments would for the first time permit money to be used from the bingo game to go to private ownership, private individuals and not for a nonprofit organization. I see no reason why we should deviate at all in having any of the money being used for anything other than charitable organizations.

The PRESIDENT. The Senate will be at ease. Will Senator O'Connell approach the rostrum?

(The Senate was at ease.)

The PRESIDENT. The Chair has been informed that the vote to reconsider these amendments was invalid as there was not a second to the motion. Therefore, the question before the Senate is not valid.

MOTION TO RECONSIDER O'CONNELL AMENDMENTS I

Senator O'CONNELL. Mr. President, I would like to move the reconsideration of my Amendments I.

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

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

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

Senator O'CONNELL. Mr. President, I would like to have considered my Amendments I.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator O'Connell.

The PRESIDENT. Will the gentleman from Luzerne, Senator O'Connell, permit himself to be interrogated?

Senator O'CONNELL. I will, Mr. President.

Senator KELLEY. Mr. President, as I understand these amendments, they are to provide as the gentleman from Allegheny, Senator Early, pointed out, that nonprofit people could in the cases of county fairs, operate the bingos, is that correct?

Senator O'CONNELL. Yes, that is true in a sense, Mr. President. We would have to understand how these things come about. When any of these people who come in to put on a fair for most of them or to participate in the midway, they do it basically with a consideration or a guarantee to the association that may be sponsoring it.

Senator KELLEY. Mr. President, as I understood the gentleman in his remarks to amendments proposed by the gentleman from Bucks, Senator Lewis, the gentleman's comments were he did not want anyone to participate in the private sector. In other words, he wanted only to keep the door closed, because as the gentleman from Luzerne, Senator O'Connell, pointed out, he had many constituents in the northeast and the Poconos and everywhere else. It seems to me—at least I would ask the gentleman if he could reconcile those two positions. The fact he is authoring these amendments and the position he took on the amendments offered by the gentleman from Bucks, Senator Lewis, seem irreconcilable to me. If the gentleman could help explain that, I would appreciate it.

Senator O'CONNELL. Mr. President, I will try to. Most of the games we are considering in the bill are cash games. The games we are making reference to here are basically and most all of them, and all of them to the best of my knowledge, are merchandise games. I think that is a difference in itself.

Senator KELLEY. Mr. President, so the gentleman is asking support for these amendments solely on the basis that value is given nonmonetarily to winners and on that basis alone, he would support the amendments, is that it?

Senator O'CONNELL. That is right, Mr. President. I believe the proceeds and all of the profits that are earned by the fairs are used for charitable and community purposes.

Senator KELLEY. Mr. President, I would only like to preserve one aspect, that is, it seems to me we are making a significant step here in considering serious legalization of bingo. I believe we should maintain a constriction of its operations to nonprofit and charitable organizations. I think these would be very dangerous amendments to accept. They would be something we should be having down the road after our experience factor. We should keep it very limited in the first instance. Mr. President, I urge a negative vote.

Senator PRICE. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator O'Connell.

The PRESIDENT. Will the gentleman from Luzerne, permit himself to be interrogated?

Senator O'CONNELL. I will, Mr. President.

Senator PRICE. Mr. President, why does the gentleman believe charitable organizations cannot manage the events which are now going on at county fairs?

Senator O'CONNELL. Mr. President, it would be rather difficult under the circumstances because these are only fairs

of no more than seven to ten days in duration. Most of the equipment required to operate them would not be available. In addition to that, it would be difficult for some of the large fairs to find persons on a continuing basis that would be able to conduct the bingo.

Senator PRICE. Mr. President, would the gentleman agree though if this standard were set, it could be met going forward?

Senator O'CONNELL. I am sorry, I did not hear the gentleman, Mr. President.

Senator PRICE. My question is if this standard without the gentleman's amendments, is accepted, why could it not be met going forward? Why would organizations not be able to meet this standard, is what I am saying.

Senator O'CONNELL. Because in some of the larger fairs, they operate five and six of the stands throughout the entire fairgrounds. It would be difficult to man them under those circumstances. They really cannot get volunteers or people to do it under those circumstances. They do not have a particular interest in it. It would be difficult to put that kind of a group together to have them properly staffed.

Senator PRICE. Mr. President, based on the gentleman's answers, I would support the notion of the gentleman from Westmoreland, Senator Kelley, that these amendments should be defeated.

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

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

YEAS—8

Fisher	Hager	O'Connell	Stapleton
Gekas	Moore	Rhoades	Street

NAYS—31

Andrezeski	Hopper	Messinger	Singel
Bell	Kelley	Pecora	Snyder
Bodack	Kusse	Price	Stauffer
Corman	Lewis	Reibman	Stout
Early	Lincoln	Romanelli	Tilghman
Greenleaf	Lloyd	Ross	Wilt
Hess	Manbeck	Scanlon	Zemprelli
Holl	Mellow	Shaffer	

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?

It was agreed to.
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 323 and 384 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 439 (Pr. No. 445) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

HB 456 (Pr. No. 477) — The bill was considered.

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

Senator SHAFFER, on behalf of himself, Senators ROMANELLI, FISHER, KELLEY, ROSS, PECORA and STOUT offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 21, by inserting after "Commission": , imposing restrictions on the Department of Transportation relating to auto emissions inspections

Amend Sec. 1, page 1, line 24, by striking out "and 2806-A"

Amend Sec. 1, page 1, line 26, by striking out "are" and inserting: is

Amend Bill, page 1, by inserting between lines 26 and 27:

Section 2. The act is amended by adding a section to read:

Section 2013. Prohibition on Expenditures for Emission Inspection Program.—Neither the department nor any other department or agency of the Executive Branch of State Government shall expend any public funds for the establishment and administration of any system for the periodic inspection of emissions or emission system of motor vehicles.

Section 3. Section 2806-A of the act is repealed.

Amend Sec. 2, page 1, line 27, by striking out "2." and inserting: 4.

Amend Sec. 3, page 2, line 28, by striking out "3." and inserting: 5.

Amend Sec. 4, page 3, line 5, by striking out "4. This" and inserting: 6. Sections 2 and 6 of this act shall take effect immediately. The remainder of this

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.

BILLS OVER IN ORDER

SB 560, 563 and 577 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

SB 600 (Pr. No. 998) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator STAUFFER, on behalf of Senator HAGER, offered the following amendments:

Amend Sec. 4, page 6, lines 8 and 9, by striking out "IT SHALL EMPLOY AN ADMINISTRATIVE PERSON WHO SHALL SERVE AT THE PLEASURE OF THE BOARD."

Amend Sec. 5, page 6, line 17, by inserting after "annually": annually

Amend Sec. 5, page 6, lines 20 and 21, by striking out "IT SHALL EMPLOY AN ADMINISTRATIVE PERSON WHO SHALL SERVE AT THE PLEASURE OF THE BOARD."

Amend Sec. 11, page 12, line 2, by inserting after "place": as so approved by the commissioner

Amend Sec. 11, page 12, line 2, by removing the comma after "determine" and inserting a period

Amend Sec. 11, page 12, line 3, by striking out "SUBJECT TO THE APPROVAL OF THE COMMISSIONER."

Amend Sec. 15, page 14, line 17, by inserting after "(a)": (a)

Amend Sec. 15, page 15, by inserting between lines 6 and 7:

(b) A suspended license shall expire at the end of its term and may be renewed as provided in this section. The renewal shall not authorize the licensee, while the license remains suspended, to engage in the licensed activity or in any other activity in violation of the order or judgment by which the license was suspended. Whenever a license revoked on disciplinary grounds is reinstated the licensee, as a condition of reinstatement, shall pay a renewal fee and any late fee that may be applicable.

Amend Sec. 16, page 16, line 21, by removing the period after "EXAMINER" and inserting: as determined by the board.

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 STAUFFER. Mr. President, I move that Senate Bill No. 600 be rereferred to the Committee on Appropriations, as amended.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 600 is rereferred to the Committee on Appropriations, as amended.

BILL ON SECOND CONSIDERATION

HB 638 (Pr. No. 1074) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 684, HB 753 and 757 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 797 (Pr. No. 973) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 812, 814, 825, 831 and 845 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator STAUFFER, from the Committee on Rules and Executive Nominations, reported, as committed, **SB 7**.

Senator CORMAN, from the Committee on Local Government, reported, as committed, **SB 624, 653, 678, 679 and 780**; as amended, **SB 775, 781 and HB 643**.

RESOLUTION REPORTED FROM COMMITTEE

Senator STAUFFER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, **Serial No. 47**, entitled:

Directing President Pro Tempore of Senate enter into contract with Pennsylvania Economy League to measure impact on school districts of mandates imposed by State and Federal Governments.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

May 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 Frank C. Grecco, Jr., 59 Green Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

June 2, 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 Martin Schneider, D.D.S. (Elected Official), 355 South 16th Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1984, and until his successor is appointed and qualified, vice The Honorable Henry J. Schultz, Easton, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

June 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 Doctor John P. Slovak, R. D. 1, Weatherly 18255, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1987, and until his successor is appointment and qualified, vice Renee Dean, Stroudsburg, resigned.

DICK THORNBURGH.

MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE

May 12, 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 Naomi Fischer (Republican), 1201 William Street, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Centre County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

Senator LOEPER. Mr. President, I request that the nominations be laid on the table.

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

REPORTS FROM COMMITTEES

Senator FISHER, from the Committee on Environmental Resources and Energy, reported, as committed, **HB 163**.

Senator MANBECK, from the Committee on Transportation, reported, as amended, **SB 592**.

Senator O'CONNELL, from the Committee on State Government, reported, as committed, **SB 387, 562** and **HB 644**; as amended, **SB 805** and **HB 793**.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Albert Greiner and to Mr. and Mrs. George W. Patterson by Senator Bodack.

Congratulations of the Senate were extended to the Volunteer Medical Service Corps of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Charles E. Matchey by Senator Lincoln.

Congratulations of the Senate were extended to Steven E. Mulholland by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph V. Penica by Senator Mellow.

Congratulations of the Senate were extended to Father John Fetsco, Mrs. Bernadine Merli, Miss Kathleen Stack, Miss Miriam Wolf and to Mrs. Anita Hovanec by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Harry D. Beers by Senator Pecora.

Congratulations of the Senate were extended to B'Nai Emunoh Congregation of Pittsburgh by Senator Romanelli.

BILLS ON FIRST CONSIDERATION

Senator STAUFFER. 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 7, 387, 562, 592, 624, 653, 678, 679, 775, 780, 781, 805, HB 163, 643, 644 and **793**.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR
REFERRED TO COMMITTEE

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

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

June 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 Anthony J. Mazullo, Jr., 334 East Ashland Street, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1983, or until his successor shall have been appointed and qualified, vice Thomas M. Burke, Esquire, Bethel Park, resigned.

DICK THORNBURGH.

JUDGE OF COMMONWEALTH COURT

June 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 Lowell A. Reed, Jr., Esquire, 1056 Huntingdon Road, Abington 19001, Montgomery County, Twelfth Senatorial District, for appointment as Judge of Commonwealth Court, to serve until the first Monday of January, 1984, vice The Honorable Roy Wilkinson, Jr., State College, confirmed as Justice, Supreme Court of Pennsylvania.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

June 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 The Reverend Daniel C. Mahoney, 750 Fifth Street, Trafford 15085, Westmoreland County, Forty-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 James A. Ferace, Greensburg, resigned.

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

The Clerk of the House of Representatives being introduced, presented for concurrence House Concurrent Resolution No. 83, which was referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 164** and **187**.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **HB 523**, which was placed on the Calendar.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 1351**, which was referred to the Committee on Agriculture and Rural Affairs.

He also presented for concurrence **HB 569**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 1342** and **1419**, which were referred to the Committee on Environmental Resources and Energy.

He also presented for concurrence **HB 530**, **1202** and **1210**, which were referred to the Committee on Local Government.

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 343**, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 12, 13, 343, HB 164 and **187**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 17, 1981

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 190, 195, 737, 738, 758 and 802)	Room 459, 4th Floor Conference Rm., North Wing
11:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider the nomination of Brig. Gen. Frank H. Smoker, Jr., as Major General PA National	Room 460, 4th Floor Conference Rm., North Wing

Guard and to consider Senate Bills No. 674, 675 and House Bill No. 137)

11:00 A.M.	APPROPRIATIONS (to consider Senate Bills No. 784 and 849)	Room 461, 4th Floor Conference Rm., North Wing
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MONDAY, JUNE 22, 1981

11:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 620; the nominations of Ralph F. Scalera to the Labor Relations Board and William R. Hagner to the Workmen's Compensation Appeal Board)	Room 460, 4th Floor Conference Rm., North Wing
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TUESDAY, JUNE 23, 1981

11:00 A.M.	JUDICIARY (to consider Senate Bills No. 635, 283, 742; House Bills No. 5, 243, 303 and the nomination of David E. Grine, Esquire to the Court of Common Pleas)	Room 461, 4th Floor Conference Rm., North Wing
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FRIDAY, JUNE 26, 1981

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 312)	Room 400, City Hall, Philadelphia, PA
1:00 P.M.		

THURSDAY, JULY 9, 1981

10:00 A.M.	LEGISLATIVE REAPPOINTMENT COMMISSION (Public Hearing)	Senate Majority Caucus Room
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FRIDAY, JULY 10, 1981

10:00 A.M.	LEGISLATIVE REAPPOINTMENT COMMISSION (Public Hearing)	Senate Majority Caucus Room
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ANNOUNCEMENT BY MAJORITY WHIP

Senator STAUFFER. Mr. President, prior to making the adjournment motion, I would like to advise all the Members that although the Senate will be in Session tomorrow we do not expect any roll call votes.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 17, 1981, at 11:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:50 p.m., Eastern Daylight Saving Time.