

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 16, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 73

SENATE

WEDNESDAY, December 16, 1981.

The Senate met at 10:30 a.m., Eastern Standard Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Amid the confusion of today, calm us down, Lord, and slow our hurried pace so that we may better perform the responsibilities before us.

Thank You for Your assuring comfort. 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 MOORE, further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Senator MOORE asked and obtained temporary leaves of absence for Senators JUBELIRER and HOWARD, for personal reasons.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 15, 1981

HB 1823 — Committee on Agriculture and Rural Affairs.

HB 1224 and 1225 — Committee on Judiciary.

HB 1193, 1194 and 1585 — Committee on Local Government.

HB 1900 — Committee on Rules and Executive Nominations.

HB 1741 — Committee on Transportation.

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

December 16, 1981

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 27, 1981 through December 15, 1981 inclusive for the 165th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary of the Senate

JOHN J. ZUBECK
Chief Clerk

House of Representatives

(See Appendix for complete list.)

BILL SIGNED

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

SB 108.

GENERAL COMMUNICATIONS

DISCHARGE PETITIONS

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in

writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 5, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Marilyn Black	Member Pennsylvania Fish Commission
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 5, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Harry L. Stecher	Member Board of Trustees Scranton State School for the Deaf
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “... The Senate shall act on each executive nom-

ination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 5, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Thomas D. Brennan	Member Board of Trustees, Shamokin State General Hospital
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on September 21, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Kenneth Cooper, Esquire	Member State Board of Motor Manufacturers, Dealers and Salesmen
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsyl-

vania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 5, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

William A. Marchese	Member Board of Trustees, Scranton State School for the Deaf
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, December 16, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 5, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Jeanne S. Probst	Member Board of Trustees, Warren State Hospital
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

SENATOR MOORE TO VOTE FOR SENATOR HAGER, SENATOR HOLL AND SENATOR CORMAN

Senator MOORE. Mr. President, I would like to request a temporary legislative leave for Senator Hager and I will be voting him. Mr. President, I also would like to request a temporary legislative leave for Senator Holl and a temporary legislative leave for Senator Corman.

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

CALENDAR

HB 1643 CALLED UP OUT OF ORDER

HB 1643 (Pr. No. 2643) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MOORE.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1643 (Pr. No. 2643) — 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?

Senator MESSINGER. Mr. President, House Bill No. 1643 appropriates \$4 million for additional gypsy moth spraying. I made a speech on this before and people can look it up. It is an absolute waste of money. All scientific evidence points to the fact that it accomplishes nothing. It is cosmetic, it simply gives the people the impression that we are doing something about gypsy moths and if we read the whole history of the gypsy moth infestation here, starting back in 1878, nothing that has been done to this time has had much effect excepting in some areas where parasites were released and that had some effect. Actually biological control, if we can get it, and I see the Russians are doing some work on this too, would be far better and less dangerous to the general public than spraying all of these toxic chemicals which not only kill gypsy moths, because there is nothing like a selective spray, it will kill all other insects, many of which are helpful. All we are doing, as we constantly do, is upsetting the balance of nature and the gypsy moths come back in greater number than ever before. I know it for a fact because my place in the Poconos is so loaded with gypsy moths this year after they sprayed the thing last year, it is unbelievable. This year they are really going to cover the Poconos.

Senator BELL. Mr. President, the gypsy moth has spread further and further and further. I know it has come into my county, the County of Delaware, and you cannot get any further into Pennsylvania than on the boundary of New Jersey and Delaware. When we applied for spray money, we were met with the answer there were not enough funds.

Mr. President, I urge everybody to vote for this. I think the argument of the gentleman from Lehigh, Senator Messinger,

is similar to what some of the people gave in California as to why they should not spray for the Mediterranean fruit fly.

MOTION TO LAY BILL ON THE TABLE

Senator LEWIS. Mr. President, I do not believe I am competent to discuss the problems that exist with the gypsy moth or whether the spraying will be effective or ineffective, but I am very much concerned about the practical economic consequences of the passage of House Bill No. 1643, especially in light of the fact that just one week ago we were present on this floor and heard the speech and debate about the necessity for cutting the budget in this Commonwealth, drastically reducing programs and services to the people in this State, because we did not have the money to continue to provide those services at the budgeted levels adopted by this General Assembly some six months ago. Now before us today, Mr. President, we see a bill that proposes to spend a new \$4 million. I wonder how anyone in this Chamber can answer the question, where in the world is that money going to come from? What new programs are we going to cut to develop \$4 million? What new areas are going to be slashed? What programs that are being relied upon by our people now are going to be further reduced to accommodate this new expenditure? I expressed that concern in the Committee on Appropriations last week as we considered this bill. At that time one of the Members of that committee promised all of us that a letter would be in hand from the Secretary of the Budget describing where and how this program was going to be funded. I do not see that gentleman on the floor at this point so an attempt to interrogate him would be futile. I can tell my colleagues, Mr. President, there is no such letter in hand, certainly not in my hand, and no such letter in existence to the best of my knowledge.

Mr. President, I think in those circumstances, given not only the assurances that we were given last week in the Committee on Appropriations, but also the concern that all of us have to express with respect to the expenditure of \$4 million in new funds, it would be appropriate for us to take a little bit more time and see if we are going to be able to deliver and generate the monies that are necessary. This spraying is not going to start in the winter months. Whatever is done is not going to be able to be done until the spring.

For that reason, Mr. President, for the concerns about where the money is going to come from, at this point I would move House Bill No. 1643 be tabled.

The PRESIDENT. It has been moved by Senator Lewis that House Bill No. 1643 be laid on the table. The motion is not debatable.

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

Senator BELL. Mr. President, do I understand your ruling that we cannot debate the bill that the gentleman from Bucks, Senator Lewis, has now put the gag on all of us who are going to answer him, so we will have to answer under Petitions and Remonstrances?

The PRESIDENT. The gentleman is out of order at this time. The question before the Senate is, will the Senate lay House Bill No. 1643 on the table.

Senator MOORE. Mr. President, I would ask all the Members of our caucus and all the Members of the Democratic caucus to vote against the motion to table House Bill No. 1643.

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

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

Senator HOPPER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator BELL. Mr. President, I am glad this last vote turned into a nonpartisan vote.

The PRESIDENT. The gentleman's remarks are not in order at this time.

Senator BELL. I know, Mr. President, but I am going to make my remarks as soon as you have these people in order.

The PRESIDENT. The Chair would remind the gentleman there is nothing in order at this time but the taking of the roll.

Senator BELL. Mr. President, I am glad you made them sit down and shut up.

Senator FUMO. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—9

Bodack	Lynch	Romanelli	Stampone
Early	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—39

Andrezeski	Hess	Mellow	Shaffer
Bell	Holl	Moore	Singel
Corman	Hopper	Murray	Snyder
Fisher	Kelley	O'Connell	Stapleton
Fumo	Kusse	O'Pake	Stauffer
Gekas	Lincoln	Pecora	Stout
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	McKinney	Rhoades	Wilt
Helfrick	Manbeck	Ross	

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

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, addressing myself to the merits of House Bill No. 1643, I think the question I would address myself to is the fact that seeing is believing and that the artistry or the use of words never rises to the level of being able to convince one of what one is talking about, absent of seeing it.

Mr. President, by way of illustration, last year I had the privilege of playing golf at one of the resort areas in the Poconos and, as I recall, at the third tee I noticed in the autumn of the year this beautiful tree. It appeared to be a maple in full regalia. I addressed the ball and between the time I had addressed the ball and hit the ball I thought there was a rainstorm. The tree had been completely defoliated. This is not a parochial problem because by the time I left that resort area there had been a movement of the gypsy moth to the degree that it had progressed another fifty miles.

Mr. President, I am convinced that just as the new foliage that is used on the side of the roadways, Crownvetch will one day take over the world, so will the gypsy moth in a regressive type form. I believe the gypsy moth will even find the fair city of Clairton a fine place in which to raise its young and to devour and bring destruction.

Mr. President, I am convinced this is one appropriation that needs to be taken care of and should occupy some high priority and I say that, Mr. President, after having witnessed an experience that if somebody would try to tell me in words, I would say he was either exaggerating or had been drinking heavily the night before.

Mr. President, I support this appropriation.

Senator MOORE. Mr. President, many of us abhor "defoliated" trees even when they are defoliated and we believe this to be a most important piece of legislation although spraying is most certainly not the final answer to the gypsy moth problem. It is helpful in many areas along with the biological weapons which are now being developed.

Mr. President, I also support this legislation and would hope my colleagues will do likewise.

Senator O'CONNELL. Mr. President, I will be brief. I rise in support of House Bill No. 1643, no question about it. I thank the gentleman from Allegheny, Senator Zemprelli, for the gentleman's comments. Not only were the Poconos infested but also a substantial portion of Pennsylvania. We may just really look at this as an aesthetic kind of thing but in fact it has not and it was not. In several areas of Pennsylvania the infestation was so great that it absolutely became a health menace and there was a grave concern about it, and the Health Department in two or three instances had to move in to prevent the spread of any or to check on the transfer of communicable diseases as a result of the infestation of the gypsy moth. We would have to witness it and see it to really believe it. I know there are many critical problems and programs in this State but I would like to suggest if we just looked at this for aesthetic value that is totally wrong, it is absolutely a health problem, as well.

Mr. President, I would request support for the amendments.

Senator BELL. Mr. President, I apologize to the Chair for being a little curt before but this Senate Chamber is not a social club and it was completely out of order when the roll was being finally called.

On House Bill No. 1643, Mr. President, we found new infestation in Delaware County late in the fall and when we went to include it in the overall plan, the State Forester's

answer was that there was not sufficient money. Then I was advised as to how the plan is made up. It is not made up by somebody saying go out and buy a tub of spray and spray. It is done through the counties to the State and we have to have advance planning. The gentleman from Bucks, Senator Lewis, is naive if the gentleman thinks that when the time to spray comes that is the time to appropriate the money. We have to, if we are going to appropriate it, do it now and we do not spend the money until we receive whatever chemicals are available. This gypsy moth infestation has reached so far east this year it took the leaves off the cherry tree of the gentleman from Delaware, Senator Loeper, and he only lives within spitting distance of Philadelphia, so the gentlemen from that area will be getting it next.

Senator MESSINGER. Mr. President, for the information of the Members, as we study the problem of the gypsy moth which started up in Connecticut, which spreads about fifty miles in a circular pattern every year, we will find nothing that has been done in fifty years has ever stopped it. I will not be here to tell the Members I said so but I will tell the Members it is going to reach Philadelphia, but they do not have that many trees down there so it does not matter. But it is going to keep going to the west, not east because it is spreading from the New England States. This spraying is a waste of money. We might just as well take the \$4 million, throw it in the sewer and flush it away.

SENATOR MOORE TO VOTE FOR SENATOR JUBELIRER

Senator MOORE. Mr. President, I have just been informed that Senator Jubelirer has now reached the Capitol and is in his office on legislative business and I would like to vote him on this bill.

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

And the question recurring,
Shall the bill pass finally?

Senator STREET. Mr. President, on the question of the gypsy moth, I was all prepared to vote. I had a negative experience with them when I went to Valley Forge National Park. I need to know and I do not know who can explain what good, or is the \$4 million going to do any good or are we just spending \$4 million. Is it going to reduce the gypsy moth population? I mean I have not heard anybody address that. Being from the city—

The PRESIDENT pro tempore. Mr. President, in answer to the question of the gentleman from Philadelphia, Senator Street, I live in north central Pennsylvania, an area which has been devastated over the last couple of years by the gypsy moth, not quite as badly as the northeast and not quite as badly as those areas a little farther northwest. At my own home the year before last we made a decision, those of us in the neighborhood, that there was a pretty good infestation because of the egg masses which we had seen the preceding fall and so we did spray. We had virtually no gypsy moth damage at all. Those areas in the city around us where there was no spraying done were devastated. Last year through mis-

calculation, we determined there were very few egg masses and there was not going to be much damage and so we did not spray. Mr. President, I want to tell the Members one of the saddest experiences of anybody's life is to sit on a property which has oak trees as its only foliage and see them virtually disappear, so that by August 1st our trees and our entire property looked like they look in mid-winter.

The fact is that in conversations I have had subsequently with a professor from Penn State, who is devoting a large portion of his time to gypsy moths, he says that those persons who come from southeastern Pennsylvania and from the cities of Pennsylvania who do not appreciate this problem, unless we take the kind of measures which are being suggested in House Bill No. 1643, the kind of monies suggested in this bill, they are very quickly going to suffer the same infestation of gypsy moths. What we are talking about, in a second year, is total loss—total loss of the trees throughout all of north central Pennsylvania. That means within a very few years total loss of all topsoil because those trees are the things which hold the soil together.

The money is going to do good and the money is useful. Mr. President, for those of us who have seen it, not for us, but for the people, because we are talking about all of Pennsylvania in a very short time. Yes, the money, Mr. President, will do some good and I would request a vote for those districts who do not have the infestation as well as for those of us who do.

And the question recurring,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

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

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

**SENATOR JUBELIRER TO VOTE FOR
SENATOR O'CONNELL AND
SENATOR GREENLEAF**

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator O'Connell and Senator Greenleaf who are on legislative business for a very brief time.

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

CONSIDERATION OF CALENDAR RESUMED

REPORTS OF COMMITTEES OF CONFERENCE

BILLS OVER IN ORDER TEMPORARILY

HB 1290 and 1645 — Without objection, the bills were passed over in their order temporarily at the request of Senator JUBELIRER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 376 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 179 (Pr. No. 1545) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Rhoades

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

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

HB 191 (Pr. No. 2684) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 239 (Pr. No. 2620) — 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—47

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

NAYS—2

Kelley Rhoades

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

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

HB 554 (Pr. No. 2685) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 685 (Pr. No. 715) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 796 (Pr. No. 1546) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 937 (Pr. No. 1547) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER TEMPORARILY

SB 994 and 1026 — Without objection, the bills were passed over in their order temporarily at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1057 (Pr. No. 1549) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER TEMPORARILY

SB 1081, 1102 and 1122 — Without objection, the bills were passed over in their order temporarily at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1175 (Pr. No. 2240) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1224 (Pr. No. 1490) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER TEMPORARILY

HB 1627 and 1700 — Without objection, the bills were passed over in their order temporarily at the request of Senator JUBELIRER.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 1:15 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 1:15 p.m., Eastern Standard Time.

AFTER RECESS

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

**SENATOR SCANLON TO VOTE FOR
SENATOR ZEMPRELLI**

Senator SCANLON. Mr. President, I am requesting a temporary legislative leave for Senator Zemprelli.

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

CONSIDERATION OF CALENDAR RESUMED

HB 1290 CALLED UP

HB 1290 (Pr. No. 2676) — Without objection, the bill, which previously went over in its order temporarily, was

called up, from page 1 of the Calendar, under Reports of Committees of Conference, by Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 1290 (Pr. No. 2676) — Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1290, entitled:

An Act providing additional and supplemental appropriations from the Federal augmentation funds and the Federal Revenue Sharing Trust Fund, and changing certain State appropriations to the various departments of the Commonwealth for the fiscal period July 1, 1981 to June 30, 1982.

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

**SENATOR SCANLON TO VOTE FOR
SENATOR LEWIS**

Senator SCANLON. Mr. President, I neglected to request a legislative leave for Senator Lewis temporarily.

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

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

Senator JUBELIRER. Mr. President, I withdraw my motion and ask that House Bill No. 1290 go over in its order temporarily.

The PRESIDENT. Without objection, House Bill No. 1290 will go over in its order temporarily.

HB 1645 CALLED UP

HB 1645 (Pr. No. 2640) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar, under Reports of Committees of Conference, by Senator JUBELIRER.

REPORT ADOPTED

HB 1645 (Pr. No. 2640) — Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1645, entitled:

A Supplement to the act of July 1, 1981 (P.L. 142, No. 47), entitled "An act providing for the capital budget for the fiscal year 1981-1982," itemizing public improvement and furniture and equipment projects to be constructed or acquired by the Department of General Services, and transportation assistance projects to be acquired or constructed by the Pennsylvania Department of Transportation together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or Department of Transportation, stating the estimated useful life of the projects and making appropriations.

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

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

YEAS—49

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

NAYS—1

Greenleaf

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SB 994 CALLED UP

SB 994 (Pr. No. 1410) — 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 JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 994 (Pr. No. 1410) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator KELLY, on behalf of Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 2 (Sec. 8521), page 2, line 22, by inserting after "judgment": skill

Amend Sec. 2 (Sec. 8521), page 2, line 23, by inserting after "intelligence": who are familiar with such matters,

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 KELLEY.

SB 1026 CALLED UP

SB 1026 (Pr. No. 1207) — 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 JUBELIRER.

BILL OVER IN ORDER

SB 1026 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1081 CALLED UP

SB 1081 (Pr. No. 1515) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1081 (Pr. No. 1515) — 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—50

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

NAYS—0

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

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

SB 1102 CALLED UP

SB 1102 (Pr. No. 1478) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

SB 1102 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1122 CALLED UP

SB 1122 (Pr. No. 1329) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1122 (Pr. No. 1329) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 402), page 2, line 29, by inserting a bracket before "In"

Amend Sec. 2 (Sec. 402), page 2, line 30, by striking out the brackets before and after "shall not"

Amend Sec. 2 (Sec. 402), page 2, line 30, by striking out "may also at any time"

Amend Sec. 2 (Sec. 402), page 3, lines 4 and 5, by striking out "established by deed, gift or testamentary disposition"

Amend Sec. 2 (Sec. 402), page 3, lines 6 and 7, by striking out the bracket before "any" in line 6 and after "library" in line 7

Amend Sec. 2 (Sec. 402), page 3, line 7, by striking out "such local library"

Amend Sec. 2 (Sec. 402), page 3, lines 12 through 15, by striking out "Such cities, boroughs, towns, townships, school" in line 12, all of lines 13 and 14 and "aiding such local library." in line 15

Amend Sec. 2 (Sec. 402), page 3, line 17, by striking out the brackets before "endowed" and after "maintaining"

Amend Sec. 2 (Sec. 402), page 3, line 17, by striking out the brackets before and after "a"

Amend Sec. 2 (Sec. 402), page 3, lines 27 and 28, by striking out the bracket before "any" in line 27 and after "library" in line 28

Amend Sec. 2 (Sec. 402), page 3, line 28, by striking out "such local library"

Amend Sec. 2 (Sec. 402), page 4, line 6, by striking out the brackets before and after "endowed library or association library"

Amend Sec. 2 (Sec. 402), page 4, line 6, by striking out "such local library"

Amend Sec. 2 (Sec. 402), page 4, line 9, by inserting a bracket after "provided."

Amend Bill, page 4, line 10, by striking out all of said line and inserting:

Section 3. Sections 403 and 405 of the act are amended to read:

Section 403. Tax-Levying; [Restrictions as to] Applicability of County Tax.—If the majority of votes cast upon this question shall be in favor of establishing such tax rate, the municipal officers, at the first meeting following the official announcement of the results of such an election, shall take the necessary steps to levy and collect the tax so levied and shall appoint a board of library directors as provided in section 411 of this act. Said board shall have exclusive control of the library so established and/or maintained, and shall be governed as provided elsewhere in this act. In the case of a county tax, [no tax shall be levied on any property in cities, boroughs, towns, townships or school districts, where local libraries are being maintained by public tax funds and which have not elected up to the time of such tax levy to join the county library district.] the tax shall be levied uniformly upon property in all municipalities within the county. The provisions of this section shall not be construed to limit the authority of a city, borough, town, township or school district located within a county levying a special tax for the support of a public library to also appropriate funds or levy a tax for the support of a local library within such city, borough, town, township or school district.

Section 405. [Discontinuance of County Library and Tax in City, Borough, Town, Township or School District.—Wherever in a city, borough, town, township or school district, there has been or may be established and maintained a separate local library and there is at the time a county library in existence, three percentum of the number voting at the last preceding general or municipal election in said city, borough, town, township or school district, may petition the county commissioners to place on the ballot the question of whether or not such city, borough, town, township or school district, shall be a part of the county library district and be subject to levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library. At the next general or municipal election occurring at least sixty days after the filing of the petition but not oftener than once in five years, such question shall be placed upon the ballots and submitted to the electors of the city, borough, town, township or school district, as provided by the election laws. If a majority of those voting on such questions vote

in favor of the discontinuance of the county library and tax in said city, borough, town, township or school district, then such city, borough, town, township or school district, shall not thereafter be a part of the county library district and shall not be subject to the levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library.]

Municipality May Join County Library District.—Where a county library district is established and a municipality in which there is then being maintained a local library, whether by the city, borough, town, township, school district or otherwise established by deed, gift or testamentary provisions, has not joined in the establishment of the district, it may at any time thereafter, join the county library district if the municipal officials or the board of trustees or managers of any such local library in such municipality enter into an agreement with the county board of library directors to merge its facilities with the county library. Title to the books and other property of such municipally supported library or other library shall remain in the municipality or board of trustees or managers, but the books and other property shall be used by the county library in accordance with the terms of a written agreement between the county commissioners and the municipal officers or board of trustees or managers of such local library: Provided, however, That title to such books and other property may be transferred to the county library district, if the same may be done legally.

Section 4. This act shall take effect in 60 days.

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 GEKAS.

HB 1627 CALLED UP

HB 1627 (Pr. No. 1906) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 1627 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 1700 CALLED UP

HB 1700 (Pr. No. 2300) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1700 (Pr. No. 2300) — 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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone

Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

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

HB 1290 CALLED UP

HB 1290 (Pr. No. 2676) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Reports of Committees of Conference, by Senator JUBELIRER.

REPORT ADOPTED

HB 1290 (Pr. No. 2676) — Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1290, entitled:

An Act providing additional and supplemental appropriations from the Federal augmentation funds and the Federal Revenue Sharing Trust Fund, and changing certain State appropriations to the various departments of the Commonwealth for the fiscal period July 1, 1981 to June 30, 1982.

On the question,

Will the Senate agree to the motion?

Senator SCANLON. Mr. President, the gentleman from Bucks, Senator Lewis, had indicated his intention to make a few statements in opposition to adopting the report of the Committee of Conference on House Bill No. 1290 which has to do with Federal augmentation funds. I am not as well prepared as the gentleman from Bucks, Senator Lewis, would be on this subject, however, he is not on the floor because of a previous commitment to legislative matters. I will therefore try to paraphrase the best I can his objections to this bill.

In the first place, it is my understanding that this bill allocates money into block grants which has not yet even been appropriated by the Congress of the United States and it is authorizing the expenditure of Federal funds to which the Commonwealth of Pennsylvania is not even legally entitled at this date because it has not been appropriated by the Congress.

Secondly, and I am paraphrasing the gentleman from Bucks, Senator Lewis—maybe if I sing White Christmas, they will shut up.

The PRESIDENT. The gentleman's offer is out of order at this time, but we would be happy to entertain it under Petitions and Remonstrances.

Senator SCANLON. Secondly, as I understand it, there is language in the report of the Committee of Conference which gives the Executive Branch of government carte blanche with respect to the expenditure of funds which we feel as a caucus

is an unconstitutional delegation of power. Doing the best I could to recall the objections of the gentleman from Bucks, Senator Lewis, who is our Chairman of the Committee on Appropriations, I am requesting that everyone in this Chamber who holds dear to their hearts the power of this Legislature to appropriate the monies and this Legislature to say how the monies are going to be spent, to vote "no" on the motion to adopt this report of the Committee of Conference.

Senator TILGHMAN. Mr. President, the gentleman from Allegheny, Senator Scanlon, speaking for the gentleman from Bucks, Senator Lewis, is correct when he says this money has not been appropriated by the Federal government at the present time. I think it is probably quite fair to say nobody knows exactly what the Federal government is going to do relative to these block grants. House Bill No. 1290 is an authorization. Certain of the departments in the State and certain programs in the State need the authorization to continue operating with these funds. I really find it very hard to find where there is a Republican or Democratic Party difference as to keeping certain functions of State government running with Federal dollars. It is necessary. We may say, well, we will not take any Federal dollars and we will force a higher income tax, and that just does not work that way. Mr. President, I think a vote in the negative on this at the present time would be terribly shortsighted and cause some catastrophic problems a little ways down the road with some of the programs that do need Federal funds.

Mr. President, I would urge my colleagues to concur in this Committee of Conference report.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—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		

NAYS—24

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

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

COMMUNICATIONS FROM THE GOVERNOR**RECALL COMMUNICATIONS
LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

**REGISTER OF WILLS AND RECORDER
OF DEEDS IN AND FOR THE COUNTY
OF COLUMBIA**

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 28, 1981 for the appointment of Stanley Mausteller, R. D. 1, Millville 17846, Columbia County, Twenty-seventh Senatorial District, as Register of Wills and Recorder of Deeds in and for the County of Columbia, to serve until the first Monday of January, 1984, vice Marvin T. Bower, deceased.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
SOMERSET STATE HOSPITAL**

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981 for the reappointment of Walter V. Rucosky, R. D. 2, Box 361, Boswell 15531, Somerset County, Thirty-second Senatorial District, as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

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

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981, for the reappointment of Matthew Zoppetti (Democrat), Forks Road, R. D. 2, Orangeville 17859, Columbia County, Twenty-seventh Senatorial District, as a member of the Columbia County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

**MEMBER OF THE INDIANA COUNTY
BOARD OF ASSISTANCE**

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981, for the reappointment of Edward R. Ruffner (Republican), 104 Gompers Avenue, Indiana 15701, Indiana County, Forty-first Senatorial District, as a member of the Indiana County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator LOEPER,

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

Which was agreed to.

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator LOEPER, by unanimous consent, called from the table, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**REGISTER OF WILLS AND RECORDER
OF DEEDS IN AND FOR THE COUNTY
OF COLUMBIA**

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 28, 1981 for the appointment of Stanley Mausteller, R. D. 1, Millville 17846, Columbia County, Twenty-seventh Senatorial District, as Register of Wills and Recorder of Deeds in and for the County of Columbia, to serve until the first Monday of January, 1984, vice Marvin T. Bower, deceased.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
SOMERSET STATE HOSPITAL**

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981 for the reappointment of Walter V. Rucosky, R. D. 2, Box 361, Boswell 15531, Somerset County, Thirty-second Senatorial District, as a member of the Board of

Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

MEMBER OF THE COLUMBIA COUNTY BOARD OF ASSISTANCE

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981, for the reappointment of Matthew Zoppetti (Democrat), Forks Road, R. D. 2, Orangeville 17859, Columbia County, Twenty-seventh Senatorial District, as a member of the Columbia County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

MEMBER OF THE INDIANA COUNTY BOARD OF ASSISTANCE

December 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 10, 1981, for the reappointment of Edward R. Ruffner (Republican), 104 Gompers Avenue, Indiana 15701, Indiana County, Forty-first Senatorial District, as a member of the Indiana County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

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, MERCER COUNTY

November 30, 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 Francis J. Fornelli, 190 Todd Avenue, Hermitage 16148, Mercer County, Fiftieth Senatorial District, as Judge of the Court of Common Pleas of the Thirty-fifth Judicial District of Pennsylvania, composed of the County of Mercer, pursuant to Act 106, approved July 10, 1980, to serve until the first Monday of January, 1982.

DICK THORNBURGH.

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

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

SECRETARY OF ENVIRONMENTAL RESOURCES

October 30, 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 Peter S. Duncan, III, R. D. 1, Box 19, Millerstown 17062, Perry County, Thirty-third Senatorial District, for appointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Clifford L. Jones, Camp Hill, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

September 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 John C. Evancho, 31 Main Street, Ebervale 18223, Luzerne County, Fourteenth 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 appointed and qualified, vice John Haggerty, Scranton, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE DELAWARE COUNTY BOARD OF ASSISTANCE

November 17, 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 Andrew A. Oronzi (Republican), 409 Westbridge Road, Glenolden 19036, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1983, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

November 17, 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 Thomas E. Trimpey (Republican), 20 Penn Street, Connellsville 15425, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Harry J. Porter, Connellsville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE WESTMORELAND COUNTY BOARD OF ASSISTANCE

July 15, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert A. Dannels (Republican), 191 Everest Drive, North Huntingdon 15642, Westmoreland County, Forty-fifth Senatorial District, for appointment as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified, vice Richard A. Theis, New Stanton, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the Governor 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:

SECRETARY OF REVENUE

October 30, 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 Robert K. Bloom, 435 Wood Crest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Howard A. Cohen, Bala Cynwyd, resigned.

DICK THORNBURGH.

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

Senator SCANLON. Mr. President, on the nomination of Robert K. Bloom, all of the Members of the Democratic caucus are going to vote in the negative, but we want it clearly understood on the record that this is in no way a reflection on the ability or the character of Robert Bloom.

Mr. President, there is no question in the minds of many of us on this side of the aisle that Bob Bloom is one of the most dedicated public servants ever to work in the City of Harrisburg or, for that matter, any other State Capitol. The problem is and has been with this Administration that contrary to the expressed prohibitions of the Constitution the front office insists on making appointments more than ninety days after the vacancy occurred. Our Constitution provides that all vacancies will be filled by the Governor within ninety days of the occurrence and not thereafter.

Mr. President, this party has had access to the courts, we filed suit in the matter of some eighty or ninety nominations heretofore made by this Governor. The court at that time said, all right, under some sort of a convoluted one bite theory, he was wrong in exceeding ninety days in that instance but we are going to give him another chance with respect to those particular nominations. Mr. President, those were all reappointed and came back to this Senate.

Mr. President, the law is very clear and the courts have sustained our position that a nomination must be filled within ninety days. It is our position, and the record so indicates, that Bob Bloom was appointed at a period which exceeded the ninety days.

Mr. President, I repeat the high regard that many of us have for Mr. Bloom, and for that reason only we are voting in the negative on this nomination.

Senator LOEPER. Mr. President, I have listened to the gentleman's argument with great concern. However, it is the position of the Majority that in the recent Zemprelli vs. Thornburgh II decision, it was held that it was equally reasonable to read the Constitution as intending, "...only that time limit shall be applied when an office is vacant to avoid a gap in the full meaning of an agency." Further on in the opinion it states, and plainly, "...an office is not vacant if it is occupied."

Therefore, Mr. President, it is the Majority's contention that Mr. Bloom did serve as Acting Secretary and the appointment was made within the ninety-day requirement and I would ask for an affirmative vote.

Senator MELLOW. Mr. President, it is not even an issue that has been discussed by our caucus with regard to the appointment of Acting Secretary Bloom with regard to if a

vacancy did or did not exist. The record will strongly indicate, Mr. President, that on November 30, 1980, Howard A. Cohen, at that time Secretary of the Department of Revenue, resigned. On December 2, Mr. President, it will be recorded that on December 2, 1980, Robert K. Bloom was named Acting Secretary by Governor Thornburgh to the Department of Revenue.

Mr. President, there is not any question in our mind and it has been widely reported in the news media, that for thirty-six hours the Department of Revenue did not have an Acting Secretary nor did it have a Secretary.

In essence, Mr. President, for a thirty-six hour period of time, there was no one in control of the Department of Revenue, therefore, totally going contrary to the argument as advanced by the gentleman from Delaware, Senator Loeper, that a vacancy did not exist because Robert Bloom had been named an Acting Secretary. In fact, for a period of time of thirty-six hours between November 30, 1980, when Howard Cohen did resign and December 2, 1980, when Robert Bloom was named Acting Secretary, as reported in the news media, there indeed was a vacancy for thirty-six hours. Because of this, Mr. President, it is our feeling that the Governor has violated the ninety days.

I ask for a negative vote on the appointee, Mr. President.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Scanlon.

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

Senator SCANLON. I will, Mr. President.

Senator KELLEY. Mr. President, referring to the remarks the gentleman initially made on the confirmation of Mr. Bloom for Secretary of Revenue, directing his attention to the case of Zemprelli vs. Thornburgh, is it the gentleman's interpretation as an attorney on that case that an appointment of this nature, and regardless of the confirmation of the Senate, would be void?

Senator SCANLON. Mr. President, it is my interpretation of that case after having read it that whether Mr. Bloom is confirmed or not, his appointment is a void act and no matter what action we take, he cannot be appointed Secretary of Revenue.

Senator KELLEY. Mr. President, further, that being the case, would the purported confirmation process and the undertaking of an oath as being the Secretary of Revenue possibly be in jeopardy then or would jeopardize Mr. Bloom's receipt of salary or the performance of any ministerial duties?

Senator SCANLON. Mr. President, I can only state my opinion. I would think if they attempt to confirm him as Secretary of Revenue it would be a void act and of no legal consequence, and I would think his acceptance of salary or performing any of the ministerial functions of Secretary of Revenue would be in jeopardy, yes.

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

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		

NAYS—23

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

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

Ordered, That the Secretary of the Senate inform the Governor 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:

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

July 30, 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 John C. Tuten, Bowmansdale 17008, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice Frank A. Ursomarso, Kennett Square, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator SCANLON. Mr. President, restating the general comments that we made in the matter of Mr. Bloom, it is the position of this caucus that John C. Tuten was appointed to the Securities Commission at a point which exceeds the ninety-day constitutional limitation and, for that reason, we are voting against Mr. Tuten. He resigned, according to the information that we have, on May 1, 1981. The ninety days would have expired on July 29, 1981 and the Governor nominated him on July 30, 1981, which is in excess of the ninety-day prohibition..

Senator LOEPER. Mr. President, as in the past, it is the Majority's contention that the office is not vacant until the Governor is notified of that vacancy. Governor Thornburgh accepted the resignation of Frank Ursomarso on May 1, 1981 and nominated John Tuten on July 30, 1981. In our computation of the ninety days, we feel our position is that this falls within the ninetieth day as required and would ask for an affirmative vote.

Senator MELLOW. 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 MELLOW. Mr. President, could the gentleman from Delaware, Senator Loeper, tell us as to what date he has acknowledged as the Governor's acceptance of the letter of resignation?

Senator LOEPER. May 1, 1981, Mr. President.

Senator MELLOW. Mr. President, can he tell us in his calculations when the ninety days starting with May 1 would expire?

Senator LOEPER. Mr. President, the ninety-day period would be computed commencing on the following day.

Senator MELLOW. Mr. President, the question was, can the gentleman tell us on what date he would acknowledge as the expiration of the ninety days in which the Governor was eligible to make the appointment?

Senator LOEPER. That would be July 30, 1981, Mr. President.

Senator MELLOW. Mr. President, can the gentleman tell us if he is familiar with the Statutory Construction Act?

Senator LOEPER. No, I am not, Mr. President.

Senator MELLOW. Mr. President, I then would strongly suggest the gentleman read the Statutory Construction Act and would find that the ninety days would expire on July 29, not on July 30 and, in fact, this appointment was made on the ninety-first day as acknowledged by the gentleman and as will be backed up by the Statutory Construction Act.

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

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

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		

NAYS—24

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

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

HB 376 CALLED UP

HB 376 (Pr. No. 1610) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Final Passage Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 376 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 377 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

SB 398 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL REREFERRED

SB 506 (Pr. No. 1548) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 641, 642 and 863 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SB 398 CALLED UP

SB 398 (Pr. No. 401) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 398 (Pr. No. 401) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1, page 1, line 9, by striking out "initially"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 942 (Pr. No. 2686) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

RECONSIDERATION OF STREET AMENDMENTS

Senator FUMO. Mr. President, I move that the Senate do now reconsider the vote by which the amendments offered by Senator Street were agreed to on December 15, 1981.

On the question,

Will the Senate agree to the motion?

Senator STREET. Mr. President, I am somewhat surprised because the gentleman from Philadelphia, Senator Fumo, has been running through that door quite often on tough votes, so I was not aware he was on the floor.

Senator FUMO. Mr. President, I rise for a personal point of order, but I will let the gentleman from Philadelphia, Senator Street, make his comments about me running in and out of the door, and the next time he is at Muncy when we are voting a welfare bill, I will remind him of that.

Senator STREET. Mr. President, I will be here on the floor, so he can remind me.

And the question recurring,

Will the Senate agree to the motion?

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

Senator SCANLON. Mr. President, we have Senators on this floor who must be present and must vote and they are not voting.

The PRESIDENT. There is nothing in order at this time but the calling of the roll, Senator.

VERIFICATION OF THE ROLL

Senator JUBELIRER. Mr. President, I request a verification of the roll call.

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

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

Andrezski	Hess	Mellow	Scanlon
Bell	Kelley	Messinger	Singel
Bodack	Lewis	Murray	Stampone
Early	Lincoln	O'Pake	Stapleton
Fumo	Lloyd	Reibman	Stout
Gekas	Lynch	Ross	Zemprelli
Hankins	McKinney		

The PRESIDENT. Are there any corrections?

Senator JUBELIRER. Mr. President, on behalf of the gentleman from Lycoming, Senator Hager, and myself, I change our votes from "no" to "aye."

The PRESIDENT. The gentlemen will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator LOEPER. Mr. President, I desire to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.
 Senator PRICE. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator PECORA. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator MOORE. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator KUSSE. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator WILT. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator MANBECK. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator RHOADES. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator HELFRICK. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator FISHER. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator SHAFFER. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator HOWARD. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator ROMANELLI. Mr. President, I desire to vote "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator HOLL. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator HOPPER. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senator O'CONNELL. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 Are there any additions or deletions?
 Senator SCANLON. Mr. President, I want the record to show that we clearly understand that there was a misunderstanding as to what we were voting on. The question before the Senate was, shall we reconsider the vote? It is normally done as a matter of courtesy. We are not accusing anybody of sandbagging on something that is a matter of courtesy. As I understand the procedure, now the question on the amendments will recur and we will get to the substance of the matter. So anyone who is concerned about cleaning up the record to show that after all in their hearts they are good guys, I want all the Members to know I believe that.

Senator CORMAN. Mr. President, I desire to change my vote from "no" to "aye."
 The PRESIDENT. The gentleman will be so recorded.
 The Clerk will now proceed to call the names of those recorded as voting in the negative.
 The Clerk read the names of those recorded as having voted in the negative as follows:

Greenleaf Snyder Street Tilghman

The PRESIDENT. Are there any corrections?
 Senator GREENLEAF. Mr. President, I desire to change my vote from "no" to aye."
 The PRESIDENT. The gentleman will be so recorded.
 Senators Snyder, Street and Tilghman are recorded in the negative. The negative roll will stand as verified.

POINT OF ORDER

Senator SCANLON. Mr. President, I rise to a point of order.
 The PRESIDENT. The gentleman from Allegheny, Senator Scanlon, will state it.
 Senator SCANLON. Mr. President, what roll call are we now talking about?
 The PRESIDENT. The reconsideration motion by Senator Fumo.

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

YEAS—47

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

NAYS—3

Snyder Street Tilghman

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

The Clerk read the amendment as follows:

Amend Title, page 1, line 5, by inserting after "thereto."": further providing for termination of contracts and for annulment of certificates, making editorial changes, providing for a penalty relating to the collection of certain dues,

Amend Bill, page 1, lines 11 through 13, by striking out all of said lines and inserting:

Section 1. Section 1122, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended July 26, 1961 (P.L.891, No.383), is amended to read:

Section 1122. Causes for Termination of Contract; Standing to Terminate.—(a) The only valid causes for termination of a contract heretofore or hereafter entered into with a professional employe shall be immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocacy of or participating in un-American or subversive doctrines, wilful disobedience of a court order issued pursuant to Article X of the

act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe: Provided, That boards of school directors may terminate the service of any professional employe who has attained to the age of sixty-two except a professional employe who is a member of the old age and survivors insurance system pursuant to the provisions of the act, approved the first day of June, one thousand nine hundred fifty-six (Pamphlet Laws 1973). In such case the board may terminate the service of any such professional employe at the age of sixty-five or at the age at which the employe becomes eligible to receive full benefits under the Federal Social Security Act.

(b) Nothing within the foregoing enumeration of causes, shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability, or the election by professional employes to retire during the period of voluntary retirement, or the authority of the board of school directors to require professional employes to retire during said period of voluntary retirement, or the compulsion on the part of professional employes to retire at the attainment of age seventy.

(c) Either the district superintendent or the Secretary of Education shall have the authority to terminate a contract pursuant to this section, which authority shall be in addition to the authority vested in the board of school directors.

Section 2. Section 1211 of the act is amended to read:

Section 1211. Annulment of Certificates.—All State certificates or endorsements of the certificates of other states may be annulled by the [Superintendent of Public Instruction] Secretary of Education for incompetency, cruelty, negligence, wilful disobedience of a court order issued pursuant to Article X of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," immorality or intemperance, after hearing, of which reasonable notice in writing must be given to the parties interested.

Section 3. The act is amended by adding a section to read:

Section 1133. Collection of Dues, Penalties.—School districts may not collect dues for any employe organization which was held in contempt of a court order issued pursuant to the provisions of Article X of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," for a period of two years from the date of the holding of contempt.

Section 4. Section 1308 of the act, amended December 9, 1980 (P.L.1123, No.199), is amended to read:

Amend Sec. 1 (Sec. 1308), page 1, line 15, by inserting after "Payment.—": (a)

Amend Sec. 1 (Sec. 1308), page 2, line 27, by inserting before "If": (b)

Amend Sec. 2, page 3, line 26, by striking out "2" and inserting: 5

Amend Sec. 3, page 3, lines 29 and 30, by striking out all of said lines and inserting:

Section 6. (a) Sections 1, 2 and 3 of this act shall take effect immediately and shall apply only in cities of the first class.

(b) Sections 4 and 5 shall take effect immediately.

And the question recurring,

Will the Senate agree to the amendments?

SENATOR JUBELIRER TO VOTE FOR SENATOR WILT

Senator JUBELIRER. Mr. President, Senator Wilt has been called out on legislative business and I would request a legislative leave of absence for him at this time.

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

And the question recurring,

Will the Senate agree to the amendments?

Senator FUMO. Mr. President, these amendments were adopted yesterday by a very close vote of 25-24 and we did not have a full caucus. We now have it on our side of the aisle. I would like to urge my colleagues to defeat these amendments because in the words of the gentleman from Delaware, Senator Bell, on Petitions and Remonstrances, "this is nothing more than a union-busting amendment."

Mr. President, more so than that, it deals just with the City of Philadelphia. If this kind of legislation were really, truly needed in this Commonwealth, then why does it not apply to the entire State. The answer to that is, obviously many of the Members on the other side of the aisle would not want this to apply to their school districts, just Philadelphia.

Mr. President, the problem here is immense. When we deal with the right for collective bargaining and we try to bust unions, we are doing no more than the Polish government did in Poland last week, except they used tanks. We do it a little bit more sophisticated, at least it seems that way. The net effect is the same and that is to stifle free speech and assembly.

Mr. President, we, as responsible individuals in this Chamber cannot allow any type of bill that would prohibit that, especially in a discriminatory way, that which would apply to one particular school district and one particular union. To those of us who are concerned, if this ever were to become law, how long would it take before we got it in our districts? I want to know how many Members want to stand up and do that.

Mr. President, I urge a "no" vote on these amendments so that fair and equitable things can happen to the collective bargaining process. There are remedies available to judges who issue injunctions. People can be incarcerated by those judges and that is where the power should lie. I believe the gentleman from Philadelphia, Senator Street, when he was questioned yesterday by the gentleman from Allegheny, Senator Zemprelli, agreed that Section 3 of House Bill No. 942 is not even what the gentleman intended it to be. Section 3 here clearly provides any union that should violate a judge's order even if it wants to test that order, cannot have a dues checkoff for a period of two years. What happened to free speech in Pennsylvania if we allow this to happen?

Mr. President, I would urge a "no" vote on the amendments.

Senator STREET. Mr. President, I would urge a "yes" vote. I would urge a "yes" vote on the amendments because my colleague, the gentleman from Philadelphia, Senator Fumo, indicated there is an adequate remedy in law, where they can go to court and if they disobey a court order the judges do have the power, but it has not worked.

Mr. President, if we check the history of the PFT in Philadelphia, we will find they have no more respect for a court order than they have respect for anything else. What I simply am saying is the judges fine them and after the strike is resolved, then what happens is the fines are forgiven and then there is not an individual in this Chamber that does not recognize that.

Mr. President, I made the statement and I will make the statement again. This is not a union-busting bill. They have the right to bargain. We have not taken from them the right to bargain. The problem is, after these amendments were put in last night, some of the unions came up here and showed and exercised their power as to how they control many of the things we do up here in Harrisburg. We do not see the people up here saying, "Hey, we do not want that," but we see the lobbyists.

This is not a bill that is centered at all unions. I believe in the right of collective bargaining. I believe in the rights of unions. If we go back and study the history of unions, we will find that unions were not born to strike against the public treasury. Unions were born and we know the history. Everybody in here knows the history of unions. I would say to the Members that the PFT and some of these unions that strike against the public treasury, they are parasites and leeches on the backs of the genuine unions.

When we start talking about the Carpenter's Union, the Roofer's Union, the Plumber's Union, those are the people who own the real estate and they bargain for good contracts. When they get those contracts and they get an increase, then the PFT comes along and bargains and extracts some of that money from their increase to their pay because the real estate taxes go up.

Mr. President, that is the issue here. The issue is, not that we are attacking all unions; the issue is we are dealing with the union that deals with the most precious commodity in this State, and that is development of the minds of our young people. That is what it is and we cannot, by any stretch of the imagination, just let unions strike and then the courts say the strike is illegal. They say, "So what? We are striking anyhow."

The courts say, "We are going to fine you."

They say, "Go ahead, it does not matter. We are not going to pay." That is what happens.

Meanwhile, what happens to the minds of our children? For fifty days they were out in Philadelphia; fifty days the children were out. Children have to go to school on Christmas Eve. They have to go to school right after Christmas to try to make it up because there was a fifty-day strike.

Mr. President, all I am simply saying is, we created laws to regulate the speed on the turnpike. If we drive down the turnpike and break the law, we cannot say, "So what?" Ask me, I know. We cannot do that because we legislated the laws and the laws are to be enforced. All we are saying is let us legislate a law that they have the right to strike PFT. They have the right to bargain PFT but if they strike and the courts say that strike is illegal, they can no longer say, so what, lest they will pay the price.

Mr. President, I ask all Members on this floor who are law-abiding citizens, that is all we are saying, law-abiding, that we believe in the law, to support these amendments. If we do not believe in the law, those Members who are running for Governor, okay, if they do not—that is all of them, right—believe in the law, then what they should do is say it is okay for the union to say, "So what," when a court order is issued. It is okay.

Mr. President, I ask for a "yes" vote on these amendments.

Senator FUMO. Mr. President, I would like to remind the gentleman from Philadelphia, Senator Street, if the only intent in human life is to obey the law as it is written, there would be a lot of blacks in Alabama and Georgia still riding in the back of the bus and eating at another lunch room and using a separate toilet facility. Sometimes laws are unjust. Sometimes they have to be tested. Sometimes people are held in contempt.

I would like to ask the gentleman from Philadelphia, Senator Street, what he would tell those people when they had civil disobedience and strikes and were arrested. Were they right or were they wrong? No, they tested a principle that was wrong and they won. No one is going to penalize them for having done that. That is what we are asking to have done today, Mr. President.

Mr. President, I would also like to remind the gentleman from Philadelphia, Senator Street, when he is concerned about a fifty-day strike as we all are, there was a strike even longer than that in the Neshaminy School District.

POINT OF ORDER

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

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

Senator BELL. Mr. President, I would like the Chair to rule whether the racial unrest in the south is germane to this question.

The PRESIDENT. The Chair finds the line of debate of the gentleman from Philadelphia is in order and he may proceed.

Senator FUMO. Mr. President, I would like to remind the gentleman from Philadelphia, Senator Street, there was a strike in the Neshaminy School District last year that lasted fifteen weeks. If the gentleman's true intent is to take care of the children of this State, if that is the gentleman's true motivation, then why do we not make this statewide? Why do we restrict it to Philadelphia? Could it possibly be that the gentleman does not like the Philadelphia organization of teachers? The gentleman may have something personal against them and, therefore, wants some kind of special legislation? Could it be that the gentleman does not care about the children in Bucks County and in Neshaminy? Could the gentleman be that cold and heartless to only care about a small segment of the population?

Mr. President, this is a sham. House Bill No. 942 does not attempt to do anything but settle the gentleman's vendetta against some individuals. We should not be a party to that, especially when it deals with this type of vengeance that we would defy and go against the principles of organized labor that have made this country strong over the years, just to have some fun with the system.

Mr. President, this is not the place for antics and I am really surprised there are that many Members on the other side of the aisle that would join in those kinds of tactics with this type of principle at stake.

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

Senator STREET. Mr. President, the gentleman responded to some laws that were challenged in the south years ago. Let me just remind the Members there are laws enacted by the righteous and there are laws that are enacted by the unrighteous. Those that are enacted by the righteous should prevail. Those that are enacted by the unrighteous should be challenged.

Mr. President, it was not until this year that the righteous had control of this Chamber. We can study biblical history and it will point that out, all the way down through the years when those were controlled. What I am simply saying is the people on this side of the aisle believe in the law. We believe in upholding the law. We believe that the PFT should obey the law.

Mr. President, I have many times challenged the laws that were enacted by the unrighteous. That answers the question as to why I deal with passive resistance.

What I am simply saying is we are developing the minds of young people who are our future, and we do not have anything without our young people. Some of those children who are in those schools today will be sitting in these seats years from now. If we do not develop them, then we may have the unrighteous here again controlling.

Mr. President, I am simply saying there is nothing wrong, there is nothing fearful about passing a piece of legislation that says "All we want you to do teachers is strike and do your things, such as bargain, but obey the law." Those same children that go back in those schools have to obey the law. I think it is a very bad precedent, it is a very bad atmosphere that has been set out there in the community and it reflects upon us when we let judges issue orders and the people who train our children can ignore those orders and then go back into those classrooms and try to be a model for our children as it relates to obeying the law.

Mr. President, how can anybody oppose that? Somebody tell me how. Have the unions become so powerful that they can come up here and say, "It is okay that we do not obey the law?" I ask for a "no" vote,

Mr. President, I vote on the amendments, a "no" vote against the gentleman from Philadelphia, Senator Fumo.

Senator LINCOLN. Mr. President, I find the former speaker's remarks not amusing when he refers to the just and unjust and righteousness and whatever, because I just happen to be reading a book about the Warren G. Harding administration back in the early twenties when the just party controlled not only this State but the whole country. I would like to read the Members an injunction that Harry Daugherty, who was the Attorney General of the United States at that time got because of striking coal miners and striking railroad people who were being badly misused. The injunction read something to the effect that it affirmed the open shop and the right to work and forbade union members from interfering with strike breakers coming in to take over their jobs. More than that, however, it enjoined union members from the exercise of all sorts of their constitutional rights.

They were not allowed to loiter near their railroad yards. They were not allowed to congregate near railroad shops or

terminals. They were not to picket. They were not even to speak to anyone to persuade them to work. They were not allowed in letters, circulars, telegrams, telephones, word of mouth or through interviews in the newspapers to encourage or to direct anyone to leave or enter the service of the railroad.

Mr. President, that is what the righteous party has done to the working people in the past. I am so glad to see the gentleman from Philadelphia, Senator Street, moving into the righteous side because the gentleman has set a good example throughout his public life of where the righteous people ought to be.

Senator KUSSE. Mr. President, would you be sure that it is phrased in a manner so that we will all be sure whether it calls for an "aye" or "no" vote?

The PRESIDENT. The question before the Senate is, will the Senate agree to Senator Street's amendments? Those voting "aye" vote in favor of the amendments, those voting "no" vote to oppose the amendments.

Senator KELLEY. Mr. President, I listened to the debate today and I am not so sure I know the contents and substance of the amendments themselves. The most perplexed issue I have is if the sponsor of the amendments believes in his argument, the same rule applies as we use in this Body, and the division line between the aisles, that one side is all righteous and the other is not, and if that same reasoning goes over as to why we should support the content of the amendments, then I believe we should all do some deep soul searching. I, for one, do not know any Member of either side of the aisle at any time in this Body, who feels an absolute certainty of the righteousness of their particular position on any issue or the unrighteousness of those who oppose them. I believe the gentleman from Philadelphia, Senator Street, is absolutely correct when he was talking about the models that teachers should play; we are talking about the greatest asset, that is the young people and their minds and formation. We see there is a failure to distinguish as to why only Philadelphia, if, indeed this concept is right that we would fire them, then it should be universally applied as any doctrine for righteousness is to be. We should not have those distinctions. Indeed if we are talking about and condemning the judiciary for their failure to impose sanctions then the root of the problem is in the judiciary not to penalize teachers who want to exercise their protected constitutional right.

Mr. President, I urge all my colleagues to vote in the negative.

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

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

YEAS—25

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

NAYS—25

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

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?

REQUEST FOR BILL OVER IN ORDER

Senator JUBELIRER. Mr. President, I request that House Bill No. 942 go over in its order.

The PRESIDENT. Without objection, the bill will go over in its order.

BILLS OVER IN ORDER

SB 1019, HB 1039, SB 1135 and 1157 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1190 (Pr. No. 1479) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1208, HB 1334, 1384 and 1943 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

HOUSE CONCURRENT RESOLUTION
NO. 72, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, House Concurrent Resolution No. 72, entitled:

General Assembly memorialize Congress prevent moves planned by Department of Defense of Fort Indiantown Gap Military Reservation civilian employees.

On the question,

Will the Senate concur in the resolution?

Senator JUBELIRER offered the following amendments:

Amend First Whereas Clause, page 1, line 7, by inserting after "TERMINATION": or the reduction of the complement

Amend First Whereas Clause, page 1, lines 8 through 14, by striking out "BY SHIFTING 12 MILITARY AND" in line 8, all of lines 9 through 13, and "CIVILIAN PERSONNEL" in line 14

Amend Second Whereas Clause, page 2, lines 1 and 2, by striking out "OF 13 MILITARY AND 260 CIVILIAN PERSONNEL"

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate adopt the resolution, as amended?

SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 72

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 72, as amended.

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

UNFINISHED BUSINESS
REPORT FROM COMMITTEE

Senator O'CONNELL, from the Committee on State Government, reported, as committed, **HB 1437**.

REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE

Senator CORMAN submitted the Report of Committee of Conference on **HB 428**, which was laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. George Hewitt by Senator Loeper.

Congratulations of the Senate were extended to Holy Name High School Girls Field Hockey Team by Senator Manbeck.

BILL ON FIRST CONSIDERATION

Senator JUBELIRER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 1437.

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, I have my hands on last night's evening Bulletin from Philadelphia. On the front of it it says, "Bell seeks \$425 million in record rate increase." This is the only way I can get my name in the paper. But, very seriously, this little figure does not sound like much but it actually amounts to almost one-half billion dollars. This, coupled with the electric rate increases for this year, it is quite possible the PUC increases that are received will go over \$1 billion in one year alone.

I will tell the Members what I have done. I have sent a letter to the Chairman of the Public Utility Commission urging her

to hold hearings throughout the State where Bell has its system to let the public have input. There are such types of hearings. We did have two on the Philadelphia Electric rate increase for one-quarter billion dollars.

It is time the PUC comes out of Harrisburg and goes to where the people are to listen to the people tell the stories they tell us. I have also written another letter to the same lady telling her that I, as a Senator, vigorously oppose any increases to Bell Telephone Company of Pennsylvania to make up for the shortcomings, the shortfall of American Telephone and Telegraph which owns Bell Telephone of Pennsylvania. In other words, if AT&T has problems, I do not think our Bell users, including my neighbors, should pay their debts.

I am suggesting to the Members that it is time we get concerned with these multi-billion dollar years that are moving through and taking money out of the pockets of our neighbors. Instead of this Christmas message going to our people back home, I think they ought to get the message that the Legislators are very concerned and they are going to try to do what they can to hold increases to the bare minimum, cost-of-living increases that these utilities deserve and not these multi-billion dollar years.

Senator JUBELIRER. Mr. President, it has been a very long week. We have gone through a lot of stress and strain, but I think we have accomplished a great deal in that week and I think there has been significant debate. I think the week is indicative of the year. It has been very busy and I think very productive and a year in which everybody has had an opportunity to voice their views on just about every kind of issue that the Commonwealth could ever have put before it.

With those few remarks, Mr. President, I would like to take the opportunity to wish to you and to each Member of this Body and to the staff and to the press a very healthy and happy New Year, a happy holiday, and to my dear friend, the lady from Northampton, Senator Reibman, a happy Hanukkah.

I think it would be appropriate, Mr. President, that we end this note by my good friend walking back and forth over there, wanting to get out of here, but I am not going to leave until, and I am going to filibuster unless the gentleman promises me that we get at least one chorus of "White Christmas" before we leave.

Senator SCANLON. Mr. President, the gentleman from Blair, Senator Jubelirer, did this to me on St. Patrick's Day.

(Musical selection was rendered by Senator Eugene F. Scanlon.)

Senator JUBELIRER. Our thanks to Senator Scanlon, Mr. President.

(Applause.)

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTIONS

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

Recess Adjournment.

Recall of SB 562 from the Governor.

SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate, Senate Concurrent Resolution, **Serial No. 219**, with the information that the House has adopted the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 532**.

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 33** and **428**, which were placed on the Calendar.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 305, 453, 696** and **904**.

GENERAL COMMUNICATIONS BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

December 16, 1981

Senators LINCOLN and O'PAKE presented to the Chair **SB 1257**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding a provision requiring a mandatory sentence in certain cases.

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

Senators LINCOLN, STOUT, EARLY, BODACK and RHOADES presented to the Chair **SB 1258**, entitled:

An Act amending the act of July 10, 1981 (P. L. 214, No. 67), entitled "Bingo Law," providing for short term licenses.

Which was committed to the Committee on STATE GOVERNMENT, December 16, 1981.

BILLS SIGNED

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

SB 532, HB 305, 453, 696, 904, 1175, 1290, 1333, 1623, 1624, 1625, 1626, 1628, 1629, 1630, 1631, 1633, 1634, 1636, 1637, 1639, 1640, 1641, 1642, 1645 and **1700**.

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, January 5, 1982, at 11:30 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 3:30 p.m., Eastern Standard Time.