

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 2, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

WEDNESDAY, June 2, 1982.

The Senate met at 12:00 m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (William J. Moore) in the Chair.

PRAYER

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

O Lord and Master of the universe.

We are grateful that Thou dost recognize us as Thy servants here on this earth to promote Thy kingdom among men.

Bless these Members of the Senate of Pennsylvania. Let their deliberations be positive, direct and truthful. Give them a special insight into the problems of this day.

And, finally, give us all a reward of eternal life in Thy kingdom. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 1, 1982.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 851, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

GENERAL COMMUNICATION

RESOLUTION INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

June 2, 1982

SENATE RESOLUTION

SENATE TASK FORCE REVIEW THE "MENTAL HEALTH AND MENTAL RETARDATION ACT OF 1966"

Senators HOWARD, O'PAKE, PRICE, CORMAN and ANDREZESKI offered the following resolution (Serial No. 94), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 2, 1982.

WHEREAS, The Senate believes the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966," must be altered in order to provide a better, more modern structure to deal with the problems faced by Pennsylvania's mental retardation population and their families; and

WHEREAS, In the complex and emotional field of mental retardation a comprehensive review is essential to create and enact more appropriate legislation; and

WHEREAS, Recommendations should be sought from parents, professionals, advocates, direct-care staff and administrators; therefore be it

RESOLVED, That the Senate of Pennsylvania directs the President pro tempore to appoint a Senate task force to conduct a comprehensive review of the 1966 act and to propose modernized alternatives to that statute no later than the end of the current legislative session; and be it further

RESOLVED, That the task force explores all system models available, including the possibility of retaining the aspects of the present structure with revised lines of authority and funding.

REPORTS FROM COMMITTEES

Senator SNYDER, from the Committee on Public Health and Welfare, reported, as amended, SB 1496.

Senator HOWARD, from the Committee on Finance, reported, as committed, HB 1093; as amended, HB 202.

GENERAL COMMUNICATIONS**DISCHARGE PETITIONS**

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

In the Senate, June 2, 1982.

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 March 22, 1982; 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:

| | |
|---------------------------|---|
| Dana S. Jones, Esquire | Judge Court of Common Pleas, Erie County |
| | Edward P. Zemprelli Eugene F. Scanlon Robert J. Mellow Francis J. Lynch James E. Ross |

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

In the Senate, June 2, 1982.

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 March 22, 1982; 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:

| | |
|--------------------|---|
| Catherine P. Blynn | Member State Board of Chiropractic Examiners |
| | Edward P. Zemprelli Eugene F. Scanlon Robert J. Mellow Francis J. Lynch James E. Ross |

The PRESIDING OFFICER. The communications will be laid on the table.

SENATOR JUBELIRER TO VOTE FOR SENATOR HOLL

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Holl who is conducting business and was called off the floor. He will be on legislative business temporarily.

The PRESIDING OFFICER. The Chair hears no objection and the leave is granted.

SENATOR MELLOW TO VOTE FOR SENATOR LINCOLN, SENATOR LEWIS AND SENATOR BODACK

Senator MELLOW. Mr. President, we would like a temporary legislative leave of absence for Senator Lincoln who is on a Committee of Conference, and also a temporary legislative leave of absence for Senator Bodack who has a meeting with some constituents in his office.

Mr. President, I also must ask for a temporary legislative leave of absence for Senator Lewis who is meeting also with some constituents and will be back here early this afternoon.

The PRESIDING OFFICER. The Chair hears no objection and the leaves are granted.

SENATOR JUBELIRER TO VOTE FOR SENATOR FISHER AND SENATOR O'CONNELL

Senator JUBELIRER. Mr. President, Senator Fisher has just come up here to remind me of that Committee of Conference to which Senator Mellow has already referred and advises me that he and Senator O'Connell are also on that Committee of Conference. Therefore, I would ask for legislative leave for both of those Senators.

The PRESIDING OFFICER. The Chair hears no objection and the leaves are granted.

CALENDAR**SPECIAL ORDER OF BUSINESS****HB 1927 CALLED UP OUT OF ORDER**

HB 1927 (Pr. No. 2517) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1927 (Pr. No. 2517) — 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—38

| | | | |
|------------|-----------|-----------|----------|
| Andrezeski | Hankins | Loeper | Reibman |
| Bell | Helfrick | Manbeck | Rhoades |
| Bodack | Hess | Mellow | Scanlon |
| Corman | Holl | Moore | Singel |
| Early | Jubelirer | Murray | Snyder |
| Fisher | Kelley | O'Connell | Stampone |
| Fumo | Kusse | O'Pake | Stauffer |
| Gekas | Lewis | Pecora | Street |
| Greenleaf | Lincoln | Price | Tilghman |
| Hager | Lloyd | | |

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.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator LOEPER submitted the Report of Committee of Conference on **SB 942**, which was placed on the Calendar.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 2:00 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:00 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

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

**SB 128, HB 972, HB 1300 AND
HB 1738 TAKEN FROM THE TABLE**

SB 128 (Pr. No. 1849), HB 972 (Pr. No. 2520), HB 1300 (Pr. No. 2899) and HB 1738 (Pr. No. 3202) — Senator JUBELIRER. Mr. President, I move that Senate Bill No. 128, Printer's No. 1849, House Bill No. 972, Printer's No. 2520, House Bill No. 1300, Printer's No. 2899 and House Bill No. 1738, Printer's No. 3202, be removed from the table and placed on the Calendar.

The motion was agreed to.

The **PRESIDENT pro tempore**. The bills will be placed on the Calendar.

**SENATOR SCANLON TO VOTE
FOR SENATOR ROSS**

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

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

CONSIDERATION OF CALENDAR RESUMED

**BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS**

BILL OVER IN ORDER

HB 2101 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 600 (Pr. No. 1836) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 600.

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 | Holl | Manbeck | Scanlon |
| Bell | Hopper | Mellow | 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 | | | |

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 House of Representatives accordingly.

**LEGISLATIVE LEAVES REQUESTED FOR
MEMBERS ATTENDING MEETING OF
COMMITTEE ON ENVIRONMENTAL
RESOURCES AND ENERGY**

Senator JUBELIRER. Mr. President, I have been advised there is a meeting of the Committee on Environmental Resources and Energy currently going on. I would ask for leg-

islative leave for all Members of that committee, including Senator Fisher, Senator Holl, Senator Manbeck, Senator Greenleaf, Senator O'Connell, Senator Rhoades, Senator Lincoln, Senator Stapleton, Senator Mellow, Senator Ross and Senator Moore. If they are not at the meeting they will be here presently, but they constitute the committee. I ask for legislative leave until that committee meeting is over.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1057 (Pr. No. 1853) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1057.

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 | Holl | Manbeck | Scanlon |
| Bell | Hopper | Mellow | 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 | | | |

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 House of Representatives accordingly.

GUESTS OF SENATOR FRANK A. PECORA PRESENTED TO SENATE

Senator PECORA. Mr. President, I would like to introduce some guests I have from Penn Hills and from other parts of our great country. I would like to introduce Hanna Urpo of Finland, Felipe Bahamondez of Chile and Greta Balquist of Penn Hills who is one of our school board directors.

Mr. President, I would ask the Senate to give them their usual warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Pecora please rise so that the Senate may give you its traditional warm welcome?

(Applause.)

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, I was unavoidably detained this morning when you were taking the roll call on House Bill No. 1927, Printer's No. 2517. Had I have been in my seat, I would have voted in the affirmative.

The PRESIDENT pro tempore. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 178 (Pr. No. 3337) — 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—43

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

NAYS—6

| | | | |
|-------|-----------|-------|--------|
| Gekas | Jubelirer | Moore | Snyder |
| Hess | Kusse | | |

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.

PERMISSION TO ADDRESS SENATE

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

Senator SHAFFER. Mr. President, earlier today this Body voted on House Bill No. 1927. At that time I was at the meeting of the Committee on Game and Fisheries, along with several others. I would like the record to show that had I been present, I would have voted in the affirmative on that bill.

The PRESIDENT pro tempore. The remarks of the gentleman will be spread upon the record.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

SB 636 (Pr. No. 1980) — Considered the third time,

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

SNYDER AMENDMENTS I

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

Amend Sec. 1 (Sec. 1743), page 33, line 24, by striking out "of 6% annually." and inserting: established pursuant to section 806 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

Amend Sec. 1 (Sec. 1743), page 33, line 28, by striking out "of 6%" and inserting: equal to rate of interest provided in this section

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

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

SNYDER AMENDMENTS II

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

Amend Bill, page 61, by inserting between lines 3 and 4:

Section 3. The following acts are hereby repealed, but only so far as they relate to estates of decedents dying on or after the effective date of this act:

Amend Sec. 2, page 62, line 18, by inserting after "repeal.": Nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed or any tax due, owing, or payable, or any remedies for the collection thereof, or surrender any remedies, powers, rights, or privileges acquired by the Commonwealth under the acts hereby repealed.

Amend Sec. 3, page 62, line 19, by striking out "3" and inserting: 4

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

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

SNYDER AMENDMENT III

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

Amend Sec. 1 (Sec. 1781), page 51, lines 22 through 24, by striking out "from" in line 22, all of lines 23 and 24 and inserting: as provided in section 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILLS OVER IN ORDER

SB 730, HB 865 and SB 1050 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

SB 1364 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1384 (Pr. No. 1994) — 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 | Manbeck | Scanlon |
| Bell | Hopper | Mellow | 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 | | | |

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 1389 (Pr. No. 1976) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Snyder

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.

BILL OVER IN ORDER TEMPORARILY

HB 1394 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

HB 1512 (Pr. No. 3105) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 3, line 10, by striking out "clauses are" and inserting: a clause is

Amend Sec. 3 (Sec. 107), page 3, lines 15 through 24, by striking out all of said lines

Amend Sec. 5, page 4, lines 13 through 30; page 5, lines 1 through 21, by striking out all of said lines on said pages

Amend Sec. 6, page 5, line 22, by striking out "6" and inserting: 5

Amend Bill, page 6, by inserting between lines 9 and 10:

Section 6. Section 503 of the act is amended by adding a clause to read:

Section 503. Contents of Subdivision and Land Development Ordinance.—The subdivision and land development ordinance may include, but need not be limited to:

(6) Provisions for encouraging the use of renewable energy systems and energy-conserving building design.

Amend Sec. 7 (Sec. 705), page 6, line 25, by inserting after "grounds,": other improvements,

Amend Sec. 7 (Sec. 705), page 6, lines 25 and 26, by striking out ", location, setback, orientation and use of structures," and inserting: and setback as they relate to renewable energy systems and energy-conserving building design,

Amend Sec. 7 (Sec. 705), page 6, line 27, by inserting after "lines,": as they relate to renewable energy systems and energy-conserving building design,

Amend Sec. 7 (Sec. 705), page 6, line 29, by removing the comma after "components" and inserting: and

Amend Sec. 7 (Sec. 705), page 7, lines 1 and 2, by striking out "easements to ensure access to sunlight and climatic and micro-climatic consideration,"

Amend Sec. 7 (Sec. 705), page 7, lines 2 and 3, by inserting brackets before and after "and other improvements,"

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 STAUFFER.

BILL OVER IN ORDER

HB 1920 (Pr. No. 2325) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that House Bill No. 1920 go over in its order.

Senator LLOYD. Mr. President, I object to House Bill No. 1920 going over in its order.

MOTION FOR BILL OVER IN ORDER

Senator JUBELIRER. Mr. President, I move that House Bill No. 1920, Printer's No. 2325, go over in its order.

On the question,

Will the Senate agree to the motion?

Senator LLOYD. Mr. President, for the purpose of offering amendments to the bill, I would object to House Bill No. 1920 going over in its order at this time. Ideally, it would be satisfactory, if satisfactory with the Majority Leader, for House Bill No. 1920 to go over temporarily. That would certainly be an acceptable thing under the circumstances. If that is, in fact, not acceptable with the Majority Leader, I ask for a "no" vote on the motion for House Bill No. 1920 to go over in its order.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

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

NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 1920 will go over in its order.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1926 (Pr. No. 2516) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Hess | Manbeck | Scanlon |
| Bell | Holl | Mellow | Shaffer |
| Bodack | Hopper | Moore | Singel |
| Corman | Howard | Murray | Snyder |
| Early | Jubelirer | O'Connell | Stampone |
| Fisher | Kelley | O'Pake | Stapleton |
| Fumo | Kusse | Pecora | Stauffer |
| Gekas | Lewis | Price | Stout |

| | | | |
|-----------|---------|-----------|-----------|
| Greenleaf | Lincoln | Reibman | Street |
| Hager | Lloyd | Rhoades | Tilghman |
| Hankins | Loeper | Romanelli | Wilt |
| Helfrick | Lynch | Ross | Zemprelli |

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.

PERMISSION TO ADDRESS SENATE

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

Senator WILT. Mr. President, I was chairing a committee meeting earlier in the day and missed the vote on House Bill No. 1927, Printer’s No. 2517. I would like to be recorded in the affirmative, please.

The PRESIDENT pro tempore. The remarks of the gentleman will be spread upon the record.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1928 (Pr. No. 2333) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 1929 (Pr. No. 2334) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 1930 (Pr. No. 2335) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 1931 (Pr. No. 2336) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Hess | Manbeck | Scanlon |
| Bell | Holl | Mellow | Shaffer |
| Bodack | Hopper | Moore | Singel |
| Corman | Howard | Murray | Snyder |
| Early | Jubelirer | O’Connell | Stampono |
| Fisher | Kelley | O’Pake | Stapleton |
| Fumo | Kusse | Pecora | Stauffer |
| Gekas | Lewis | Price | Stout |

| | | | |
|-----------|---------|-----------|-----------|
| Greenleaf | Lincoln | Reibman | Street |
| Hager | Lloyd | Rhoades | Tilghman |
| Hankins | Loeper | Romanelli | Wilt |
| Helfrick | Lynch | Ross | Zemprelli |

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 1932 (Pr. No. 2337) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 2340 (Pr. No. 3042) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 353 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 506 (Pr. No. 1979) — The bill was considered.

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

Senator STAPLETON. Mr. President, I request that Senate Bill No. 506 go over in its order temporarily.

Mr. President, may we be at ease for a moment?

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

Senator STAPLETON. Mr. President, I withdraw my request.

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

REIBMAN AMENDMENT

Senator REIBMAN offered the following amendment:

Amend Sec. 2 (Sec. 2005-A), page 10, line 5, by inserting after "APPOINTMENT.": The board shall have the right to refuse the recommendation of the local council and to request that additional recommendations be submitted by the council.

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?

LOEPER AMENDMENTS

Senator LOEPER offered the following amendments:

Amend Sec. 2 (Sec. 2005-A), page 10, line 20, by striking out "governors" and inserting: board

Amend Sec. 2 (Sec. 2006-A), page 12, line 8, by striking out "governors" and inserting: board

Amend Sec. 2 (Sec. 2011-A), page 20, line 26, by striking out "boards" and inserting: the council

Amend Sec. 2 (Sec. 2015-A), page 21, line 29, by striking out "Legislature" and inserting: General Assembly

Amend Sec. 7, page 24, line 2, by striking out "and General Assembly shall appoint" and inserting: shall nominate

Amend Sec. 7, page 24, line 3, by striking out "six months" and inserting: 90 days

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

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

STAPLETON AMENDMENTS

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

Amend. Sec. 2 (Sec. 2003-A), page 6, line 21, by inserting after "be": appropriated,

Amend Sec. 2 (Sec. 2003-A), page 6, line 22, by inserting after "given": or granted to

Amend Sec. 2 (Sec. 2003-A), page 7, by inserting between lines 6 and 7: Nothing herein shall empower the Board of Governors or the chancellor to take or receive any moneys, goods or other property, real or personal, which is given or granted to specific institutions.

Amend Sec. 2 (Sec. 2006-A), page 13, line 9, by striking out "(a)"

Amend Sec. 2 (Sec. 2009-A), page 16, lines 22 through 24, by striking out all of said lines and inserting:

(9) To review and approve all contracts and purchases negotiated or awarded by the president with or without competitive bidding and all contracts for consultative services entered by the president.

Amend Sec. 2 (Sec. 2010-A), page 18, line 30, by removing the comma after "funds" and inserting: in accordance with the procedures established by the board and with the approval of the local council, to negotiate and award all contracts for equipment, services and supplies in excess of a cost of five thousand dollars (\$5,000) on a competitive bid basis and

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION

HB 538 (Pr. No. 3285) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

SB 1089 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1186 (Pr. No. 1967) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION AMENDED

HB 1193 (Pr. No. 3136) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendments:

Amend Sec. 1, (Sec. 1706), page 4, by inserting between lines 6 and 7:

(7) Certificates of deposit purchased from institutions having their principal place of business outside the Commonwealth and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty per centum of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty per centum of an institution's assets minus liabilities.

Amend Sec. 1 (Sec. 1706), page 4, line 7, by striking out "(7)" and inserting: (8)

Amend Sec. 1 (Sec. 1706), page 4, line 10, by striking out "(8)" and inserting: (9)

On the question,

Will the Senate agree to the amendments?

POINT OF INFORMATION

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

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

Senator ZEMPRELLI. Mr. President, is the gentleman from Centre, Senator Corman, finished with the offering of his amendments? My reason is I wish to speak to the amendments.

The PRESIDENT pro tempore. Is the Chair then to understand the amendments are not agreed to?

Senator ZEMPRELLI. The amendments are not agreed to.

Senator CORMAN. Mr. President, I would think the amendments would be agreed to by everyone in this Body but they may have some difficulty with maybe the entire piece of legislation. The amendments say any certificates of deposit purchased from institutions having their principal place of business outside the Commonwealth shall be collateralized so if local government, or in this case county government, buys a certificate of deposit purchased from an institution having their principal place of business outside the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or a National Credit Union Share Insurance Fund to the extent that such accounts are so insured and for any amounts above that insured maximum provide they must have approved collateral. That is the essence of these amendments.

Senator ZEMPRELLI. Mr. President, what the amendments do is they establish a double standard. The bill itself would state that certificates of deposit purchased from banks in Pennsylvania, or all banks for that matter, would not have to be collateralized. The amendments then would require collateralization for certificates of deposits that are required by out-of-state banks, meaning that we would have a double standard. First of all, I have a serious question as to the constitutionality of any such double standard, particularly when we are dealing in interstate commerce, which banking is. Secondly, I think the rationale is shortsighted in that we are

setting up the seed for reciprocity. The fact we have some substantial banks in this Commonwealth who do a great deal of international and interstate banking, we are now encouraging other states to establish different rules and regulations beyond those that are established by the Federal regulators in order to impede or to hinder interstate commerce.

Mr. President, I really think the amendments of the gentleman do more harm than they do good to the general proposition. I am sure the big banking interests in Pennsylvania would be somewhat disturbed if they ran into a reciprocity situation, particularly the Mellon Bank that does a great deal of interstate banking and, as a matter of fact, international banking. For example, I received a notice the other day, Mr. President, as to the Mellon Bank opening a bank in Florida with trust powers. If, in fact, this provision were to prevail, they would be competing in Florida on a different standard as far as collateralization as opposed to those banks that are founded in the State of Florida.

I just think it is ill-conceived, Mr. President, and although I am vehemently opposed to the subject matter of the bill, I would oppose the amendments as being ambiguous to the point of what is intended by what is otherwise a bad bill.

Mr. President, I would ask my colleagues to vote against these amendments for the reasons stated.

Senator CORMAN. Mr. President, the purpose of these amendments is to try to be a compromise. The original sponsor of this legislation, Representative Nahill, originally wanted to have no collateralization needed regardless of where the institution would be, in Pennsylvania or in some other State. There were those who were objecting to the lack of collateralization outside of Pennsylvania maybe because of the inability to examine that lending institution, as well as those that are in our Commonwealth. As a compromise, it was decided to leave certificates of deposit obtained from institutions that are having their main place of business in the Commonwealth to be uncollateralized, but those who are outside the Commonwealth would have to be collateralized as they currently are.

Mr. President, the reasoning for this is Representative Nahill at one time, it is my understanding, was treasurer of a township and had the responsibility of placing their monies, when they received their monies in the form of taxes, in various financial institutions around the area. He found in seeking collateralization for these investments that at the beginning he would find lots of banks would take a portion of the money but that toward the end of his chore of trying to invest all of this money, he ran out of banks who would have collateral to give them and they would end up getting pass-book savings on their investment. Therefore, he wants to rid them of this encumbrance and place the responsibility on the private or the local county elected official in this case to seek out proper places to make their investments.

In checking with the banking institutions, I find there is no objection with the banking people to this legislation.

Senator ZEMPRELLI. Mr. President, I am sure the banking community would be very happy with this legislation that allows them to take money without collateralizing. I am

not the least bit shocked at the statement of the gentleman that the banks find any problem with this.

We went to a great deal of trouble a number of years ago to liberalize collateralization to allow banks to use the collateral they had as part of their portfolio on a day-to-day basis as security for public deposits. I think, Mr. President, we now have all those institutions, the mutual savings banks, the commercial banks, even the private banks, established under the same rules as far as collateralization is concerned. I think it would be extremely ill-advised to now change that practice. It is well established, it speaks to the liquidity of an institution and it is almost incomprehensible to me that anybody would have problems making deposits into the lending institutions today that would not have available to them collateral investments in public funds. If they do not have them, then I think they should have them.

Mr. President, that is the simple explanation of the need for this collateralization, simply that it would make these banks provide, as part of their portfolio, investments of the kind that can make up collateral for deposits. It is a double-edged sword; it has worked well and I would say to move to this kind of liberalization is to travel on troubled waters. I would ask not only that the amendments be defeated, but at this time I speak in opposition to the bill itself, whether it be amended or not amended.

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

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

YEAS—25

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

NAYS—22

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

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

On the question,

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

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

Amend Sec. 1 (Sec. 1706), page 2, line 15, by removing the period after "practice" and inserting: , subject, however, to the exercise of that degree of judgment, skill and care under the circumstances then prevailing which persons of prudence, discretion and intelligence, who are familiar with such matters, exercise in the management of their own affairs not in regard to speculation,

but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

Ordered, To be printed on the Calendar for third consideration.

HB 1194 (Pr. No. 3137) — The bill was considered.

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

Amend Sec. 2, (Sec. 1964), page 6, by inserting between lines 11 and 12:

(7) Certificates of deposit purchased from institutions having their principal place of business outside the Commonwealth and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty per centum of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty per centum of an institution's assets minus liabilities.

Amend Sec. 2 (Sec. 1964), page 6, line 12, by striking out "(7)" and inserting: (8)

Amend Sec. 2 (Sec. 1964), page 6, line 15, by striking out "(8)" and inserting: (9)

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

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

YEAS—25

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

NAYS—22

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

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

On the question,

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

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

Amend Sec. 2 (Sec. 1964), page-4, line 17, by removing the period after "practice" and inserting: , subject, however, to the exercise of that degree of judgment, skill and care under the circumstances then prevailing which persons of prudence, discretion and intelligence, who are familiar with such matters, exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

The PRESIDENT pro tempore. All Members of the Committee on Transportation will meet immediately in the Rules Committee room at the rear of the Chamber for purposes of continuing the recessed meeting of the Committee on Transportation with the permission of the Majority and Minority Leaders. We will continue the Session and those leaders may vote the Members of the Committee on Transportation.

Will all Members of the Committee on Transportation please go immediately to the Rules Committee room at the rear of the Senate?

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION AMENDED

HB 1268 (Pr. No. 3284) — The bill was considered.

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

Amend Title, page 1, line 19, by inserting after "definitions;": further providing for Sunday sales permits; permitting certain licenses to be open for business on election days;

Amend Bill, page 2, by inserting between lines 15 and 16:

Section 1. Section 432, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," is amended by adding a subsection to read:

Section 432. Malt and Brewed Beverages Retail Licenses.—*
**

(f) Hotel, eating places, or municipal golf course retail dispenser licensees whose sales of food and nonalcoholic beverages are equal to forty per centum (40%) or more of the combined gross sales of both food and malt or brewed beverages may sell malt or brewed beverages between the hours of one o'clock postmeridian on Sunday and two o'clock antemeridian on Monday

upon purchase of a special annual permit from the board at a fee of two hundred dollars (\$200.00) per year, which shall be in addition to any other license fees. Provided further; the holder of such special annual permit may sell malt or brewed beverages after seven o'clock antemeridian and until two o'clock antemeridian of the following day, on any day on which a general, municipal, special or primary election is being held.

Amend Sec. 1, page 2, line 16, by striking out "1" and inserting: 2

Amend Sec. 1, page 2, lines 16 and 17, by striking out "ACT" in line 16 and all of line 17 and inserting: of the act,

Amend Sec. 2, page 5, line 14, by striking out "2" and inserting: 3

Amend Bill, page 5, by inserting between lines 23 and 24:

Section 4. Clauses (5) and (6) of section 492 of the act, first paragraph of clause (5) amended June 16, 1975 (P.L.14, No.5), and clause 6 amended March 5, 1973 (P.L.1, No.1), are amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

(5) Sales of Malt or Brewed Beverages by Hotels, Eating Places or Public Service Licensees During Prohibited Hours.—

For any hotel or eating place holding a retail dispenser's license, or the servants, agents or employes of such licensees, to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian Sunday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day: Provided, That notwithstanding any provision to the contrary, whenever the thirty-first day of December falls on a Sunday such sales of malt or brewed beverages may be made on such day after one o'clock postmeridian and until two o'clock antemeridian of the following day[: And provided further, That any hotel or eating place holding a retail dispenser's license which has sales of food and nonalcoholic beverages equal to forty per cent or more of the combined gross sales of both food and malt or brewed beverages may sell malt or brewed beverages between the hours of one o'clock postmeridian on Sunday and two o'clock antemeridian on Monday upon purchase of a special annual permit from the board at a fee of one hundred dollars (\$100.00) per year, which shall be in addition to any other license fees]. For any public service licensee authorized to sell malt or brewed beverages or the servants, agents or employes of such licensees to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

(6) Sales of Malt or Brewed Beverages on Election Day by Hotels, Eating Places or Public Service Licensees. For any hotel or eating place holding a retail dispenser's license, or any malt or brewed beverage public service licensee, or his servants, agents or employes, to sell, furnish or give any malt or brewed beverages to any person after two o'clock antemeridian, or until one hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held except as permitted by [subsection (a) of section 406] subsection (f) of section 432.

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting: 5

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION

SB 1375 (Pr. No. 1900) and SB 1406 (Pr. No. 1860) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1425 and 1487 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 1502 (Pr. No. 2006) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1585, 1655, 1656 and 1664 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 1669 (Pr. No. 1948), HB 1671 (Pr. No. 2099) and HB 1789 (Pr. No. 3369) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 1885 and 1886 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 2257 (Pr. No. 2931) and HB 2293 (Pr. No. 2970) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL AND AMENDMENTS OVER IN ORDER TEMPORARILY

HB 2372 (Pr. No. 3109) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator O'CONNELL offered the following amendments:

Amend Title, page 1, lines 5 and 6, by striking out "powers and" in line 5 and all of line 6 and inserting: appointment of directors to an intermediate unit board of directors.

Amend Sec. 1, page 1, line 9, by striking out "915-A" and inserting: 910-A

Amend Sec. 1, page 1, lines 10 and 11, by striking out "added May 4," in line 10 and all of line 11 and inserting: is amended by adding a subsection to read:

Amend Sec. 1, page 1, lines 12 through 19; page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting:

Section 910-A. Intermediate Unit Board of Directors.—***

(h) The election or appointment of any director from a member district to an intermediate unit board of directors shall be approved by a majority vote of the board of directors of that member district and a record of such vote shall become part of the minutes of said district.

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, these amendments indicate an election or appointment of any director from a member district to the intermediate unit board of directors shall be approved by a majority vote of the board of directors of that member district, and a record of such vote shall become part of the minutes of the said district.

These amendments indicate if there is an appointment to the intermediate unit by a school board, then the intermediate unit board cannot, in fact, reject that appointment.

Mr. President, I would ask support of the amendments.

Senator ZEMPRELLI. Mr. President, I am caught in a dilemma as to whether I should ask a question or make a statement. I heard the gentleman and for the first time I understand what he is saying. However, I do not get that from his amendments as they are written.

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

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

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

Senator ZEMPRELLI. Mr. President, my specific inquiry is where in the amendments do they provide by their language the result the gentleman alludes to in his explanation?

Senator O'CONNELL. Mr. President, I cannot answer that question. I am offering the amendments on behalf of Representative Sirianni in the House of Representatives who indicated that the amendments were to be considered when the bill was before them then. By some quirk they failed to be considered. She indicated to me that that was the intent and purpose of these amendments.

Senator ZEMPRELLI. Mr. President, the statement recurs. I do not believe the amendments as submitted accomplish the result that the gentleman has indicated in his explanation of the amendments. I believe it is important enough that that be resolved so there is a meeting of the minds that the amendments we are voting on accomplish the purpose. We have difficulty understanding that. I would ask the gentleman if he would be willing to withdraw his amendments at this time and have the bill go over until we have had an opportunity to see whether the amendments could be prepared in such a fashion that they accomplish that purpose.

Senator O'CONNELL. We can go over temporarily, Mr. President.

THE PRESIDENT pro tempore. Without objection, the Senate will go over House Bill No. 2372 and its amendments temporarily.

HB 1394 CALLED UP

HB 1394 (Pr. No. 3229) — 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

HB 1394 (Pr. No. 3229) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

JUBELIRER AMENDMENTS

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

Amend Title, page 1, lines 1 through 27, by striking out all of said lines and inserting:

To facilitate vehicular traffic across the Commonwealth by providing for a feasibility study of various highways enumerated in this act which cost shall be payable solely from revenues of the commission, including tolls, making other obligations exempt from taxation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission.

Amend Table of Contents, page 2, line 4, by striking out "Southwestern extensions authorization." and inserting: Feasibility studies.

Amend Table of Contents, page 2, lines 5 through 8, by striking out all of said lines

Amend Table of Contents, page 2, line 9, by striking out all of said line and inserting:

Section 4. Expenses for conducting the feasibility studies.

Amend Table of Contents, page 2, lines 10 through 24, by striking out all of said lines and inserting:

Section 5. Other powers.

Section 6. Effective date.

Amend Sec. 1, page 2, line 29, by striking out "Southwestern" and inserting: Feasibility

Amend Sec. 2, page 3, line 10, by striking out "turnpikes" and inserting: feasibility studies

Amend Sec. 2, page 3, line 10, by striking out "constructing" and inserting: studying

Amend Sec. 2, page 3, line 11, by striking out "turnpikes" and inserting: turnpike extensions

Amend Sec. 2, page 3, lines 12 through 14, by striking out "the cost of all lands, property" in line 12, all of lines 13 and purchase or other means," in line 14

Amend Sec. 2, page 3, lines 14 through 20, by striking out "or" in line 14, all of lines 15 through 19, and "revenues," in line 20, and inserting: and

Amend Sec. 2, page 3, line 21, by removing the comma after "enterprise" and inserting a period

Amend Sec. 2, page 3, lines 22 through 27, by striking out all of lines 22 through 26, and "of property necessary for such construction and operation." in line 27

Amend Sec. 2, page 4, line 1, by removing the comma after "specifications" and inserting a period

Amend Sec. 2, page 4, lines 2 through 19, by striking out all of said lines

Amend Sec. 2, page 4, line 20, by striking out "turnpikes to be constructed," and inserting: turnpike extensions may be studied

Amend Sec. 2, page 4, line 24, by removing the comma after "therewith" and inserting a period

Amend Sec. 2, page 4, lines 24 through 27, by striking out "but also all" in line 24 and all of lines 25 through 27

Amend Sec. 3, page 4, line 28, by striking out "Southwestern extensions authorization" and inserting: Feasibility studies

Amend Sec. 3, page 5, lines 5 through 6, by striking out "construct, operate and maintain turnpikes," and inserting: conduct a feasibility study for the extension of the turnpike system

Amend Sec. 3, page 6, lines 8 through 13, by striking out "Upon completion of the turnpike extension set forth" in line 8, all of lines 9 through 12 and "be approved by the commission, from" in line 13, and inserting: From

Amend Sec. 3, page 6, lines 18 through 22, by striking out "The commission is also authorized, empowered and" in line 18, all of lines 19 through 21, and "approved by the commission, from" in line 22, and inserting: From

Amend Sec. 3, page 6, lines 27 through 29, by striking out "The commission is also authorized and empowered to" in line 27, and all of lines 28 and 29, and inserting: From

Amend Sec. 3, page 7, lines 3 through 6, by striking out "The commission is further authorized to construct," in line 3, all of lines 4 through 5, and "commission, from" in line 6, and inserting: From

Amend Sec. 3, page 7, lines 10 through 15 by striking out "The commission is also authorized to construct," in line 10; all of lines 11 and 12, and "commission, from" in line 13, and inserting: From

Amend Sec. 3, page 7, lines 16 through 20, by striking out "The Commission is also authorized, empowered and" in line 16, all of lines 17 through 19, and "which shall be approved by the commission, from" in line 20, and inserting: From

Amend Sec. 3, page 7, lines 26 through 30; and page 8, lines 1 through 12 by striking out all of said lines on said pages and inserting: (8) From a

Amend Bill, pages 8 through 11, by striking out lines 17 through 30, page 8; pages 9 through 11, lines 1 through 30; and page 12, lines 1 through 13, by striking out lines 1 through 30, on pages 9 through 11; and lines 1 through 12, and "Pennsylvania Turnpike System" in line 13, page 12, and inserting: (9) Into

Amend Sec. 6, page 12, lines 18 and 19, by striking out "all of line 18 and "PENNSYLVANIA TURNPIKE SYSTEM INTO" in line 19, and inserting: (10) Into

Amend Sec. 6, page 12, lines 20 and 21, by striking out "TO CONSTRUCT"

Amend Bill, pages 12 through 15, by striking out lines 26 through 30, page 12; lines 1 through 30; pages 13 and 14; and lines 1 through 22, on page 15, and inserting:

(11) U.S. Route 220 - beginning at or near the exit 11 of the Pennsylvania Turnpike thence extending in a northerly direction about 14 miles along existing U.S. Route 220 to the Blair County Line.

Section 4. Expenses for conducting the feasibility studies.

All expenses for the conducting of the feasibility studies in this act shall be paid by the Turnpike Commission created by the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act, out of current turnpike revenues and shall not be deemed a liability of the Commonwealth.

Section 5. Other powers.

Amend Sec. 9, page 15, line 23, by striking out (c)"

Amend Sec. 9, page 15, line 26, by striking out "making surveys, soundings, drillings and examinations," and inserting: conducting the feasibility studies

Amend Bill, page 16, lines 3 through 30; pages 17 through 26, lines 1 through 30; and page 27, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 21, page 27, line 3, by striking out "21" and inserting: 6

On the question,

Will the Senate agree to the amendments?

SINGEL AMENDMENT TO JUBELIRER AMENDMENTS

Senator SINGEL, by unanimous consent, offered the following amendment to the amendments:

Amend Sec. 3, page 7, by inserting between lines 25 and 26:

(8) The commission is also authorized, empowered and directed to construct, operate and maintain a further extension of the turnpike, at such specific location and according to such schedule as shall be deemed feasible and which shall be approved by the commission, from a point beginning at or near the exit 11 of the Pennsylvania Turnpike thence extending in a northerly direction about 14 miles along existing U.S. Route 220 to the Blair County Line.

On the question,

Will the Senate agree to the amendment to the amendments?

Senator SINGEL. Mr. President, just for the edification of all the Members, what I am attempting to do is to amend the amendments of the gentleman from Blair, Senator Jubelirer, so that they will be in proper form to be divided. What I intend to do if, in fact, these amendments are accepted is to move to divide the amendments so we can act on the two distinct items in the gentleman's amendments separately.

Senator JUBELIRER. Mr. President, the amendments of the gentleman from Cambria, Senator Singel, are agreed to and if we could deal with that then he can move to divide the question and we can probably agree to the one part of it and debate the other.

And the question recurring,

Will the Senate agree to the amendment to the amendments?

It was agreed to.

REQUEST TO DIVIDE AMENDMENTS

Senator SINGEL. Mr. President, I ask the amendments be divided so we can address the two distinct items in the amendments of the gentleman from Blair, Senator Jubelirer, separately.

I would ask that we consider first the section of the amendments that deals specifically with U.S. Route 220 which appears on page 4 of the amendments beginning at line 23 and ends at line 27.

The PRESIDENT pro tempore. Senator Singel moves that the amendments of the gentleman from Blair, Senator Jubelirer, be divided. The Chair has been informed that it has always been as of right so the amendments will be considered divided.

JUBELIRER AMENDMENTS, AS DIVIDED

Senator JUBELIRER, by unanimous consent, offered the following amendments, as divided:

Amend Sec. 3, page 7, by inserting between lines 25 and 26:

(8) The commission is also authorized, empowered and directed to construct, operate and maintain a further extension of the turnpike, at such specific location and according to such

schedule as shall be deemed feasible and which shall be approved by the commission, from a point beginning at or near the exit 11 of the Pennsylvania Turnpike thence extending in a northerly direction about 14 miles along existing U.S. Route 220 to the Blair County Line.

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

Senator SINGEL. Mr. President, I just want to make the point that while I have no specific objection to the inclusion of Route 220 in the auspices of the feasibility study that we are talking about under House Bill No. 1394, I do have some problems with the language that amends the other sections of the bill. I, therefore, would ask all of my colleagues to support the gentleman from Blair, Senator Jubelirer, in including Route 220 in this package for consideration by the Turnpike Commission and vote "yes" on these amendments, but I will reserve the right to speak out on the next section of my motion.

The PRESIDENT pro tempore. On the question of the approval of Route 220 in the language of the bill, the Clerk will call the roll. Those voting in the affirmative vote to include that route in the language of the bill. Those voting in the negative vote to exclude it.

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

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

YEAS—47

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

NAYS—0

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

Senator JUBELIRER, by unanimous consent, offered the following remaining amendments, as divided:

Amend Title, page 1, lines 1 through 27, by striking out all of said lines and inserting:

To facilitate vehicular traffic across the Commonwealth by providing for a feasibility study of various highways enumerated in this act which cost shall be payable solely from revenues of the commission, including tolls, making other obligations exempt from taxation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission.

Amend Table of Contents, page 2, line 4, by striking out "Southwestern extensions authorization." and inserting: Feasibility studies.

Amend Table of Contents, page 2, lines 5 through 8, by striking out all of said lines

Amend Table of Contents, page 2, line 9, by striking out all of said line and inserting:

Section 4. Expenses for conducting the feasibility studies.

Amend Table of Contents, page 2, lines 10 through 24, by striking out all of said lines and inserting:

Section 5. Other powers.
Section 6. Effective date.

Amend Sec. 1, page 2, line 29, by striking out "Southwestern" and inserting: Feasibility

Amend Sec. 2, page 3, line 10, by striking out "turnpikes" and inserting: feasibility studies

Amend Sec. 2, page 3, line 10, by striking out "constructing" and inserting: studying

Amend Sec. 2, page 3, line 11, by striking out "turnpikes" and inserting: turnpike extensions

Amend Sec. 2, page 3, lines 12 through 14, by striking out "the cost of all lands, property" in line 12, all of lines 13 and purchase or other means," in line 14

Amend Sec. 2, page 3, lines 14 through 20, by striking out "or" in line 14, all of lines 15 through 19, and "revenues," in line 20, and inserting: and

Amend Sec. 2, page 3, line 21, by removing the comma after "enterprise" and inserting a period

Amend Sec. 2, page 3, lines 22 through 27, by striking out all of lines 22 through 26, and "of property necessary for such construction and operation." in line 27

Amend Sec. 2, page 4, line 1, by removing the comma after "specifications" and inserting a period

Amend Sec. 2, page 4, lines 2 through 19, by striking out all of said lines

Amend Sec. 2, page 4, line 20, by striking out "turnpikes to be constructed," and inserting: turnpike extensions may be studied

Amend Sec. 2, page 4, line 24, by removing the comma after "therewith" and inserting a period

Amend Sec. 2, page 4, lines 24 through 27, by striking out "but also all" in line 24 and all of lines 25 through 27

Amend Sec. 3, page 4, line 28, by striking out "Southwestern extensions authorization" and inserting: Feasibility studies

Amend Sec. 3, page 5, lines 5 through 6, by striking out "construct, operate and maintain turnpikes," and inserting: conduct a feasibility study for the extension of the turnpike system

Amend Sec. 3, page 6, lines 8 through 13, by striking out "Upon completion of the turnpike extension set forth" in line 8, all of lines 9 through 12 and "be approved by the commission, from" in line 13, and inserting: From

Amend Sec. 3, page 6, lines 18 through 22, by striking out "The commission is also authorized, empowered and" in line 18, all of lines 19 through 21, and "approved by the commission, from" in line 22, and inserting: From

Amend Sec. 3, page 6, lines 27 through 29, by striking out "The commission is also authorized and empowered to" in line 27, and all of lines 28 and 29, and inserting: From

Amend Sec. 3, page 7, lines 3 through 6, by striking out "The commission is further authorized to construct," in line 3, all of lines 4 through 5, and "commission, from" in line 6, and inserting: From

Amend Sec. 3, page 7, lines 10 through 15 by striking out "The commission is also authorized to construct," in line 10; all of lines 11 and 12, and "commission, from" in line 13, and inserting: From

Amend Sec. 3, page 7, lines 16 through 20, by striking out "The Commission is also authorized, empowered and" in line 16, all of lines 17 through 19, and "which shall be approved by the commission, from" in line 20, and inserting: From

Amend Sec. 3, page 7, lines 26 through 30; and page 8, lines 1 through 12 by striking out all of said lines on said pages and inserting: (8) From a

Amend Bill, pages 8 through 11, by striking out lines 17 through 30, page 8; pages 9 through 11, lines 1 through 30; and page 12, lines 1 through 13, by striking out lines 1 through 30, on pages 9 through 11; and lines 1 through 12, and "Pennsylvania Turnpike System" in line 13, page 12, and inserting: (9) Into

Amend Sec. 6, page 12, lines 18 and 19, by striking out "all of line 18 and "PENNSYLVANIA TURNPIKE SYSTEM INTO" in line 19, and inserting: (10) Into

Amend Sec. 6, page 12, lines 20 and 21, by striking out "TO CONSTRUCT"

Amend Bill, pages 12 through 15, by striking out lines 26 through 30, page 12; lines 1 through 30; pages 13 and 14; and lines 1 through 22, on page 15, and inserting:

(11) U.S. Route 220 - beginning at or near the exit 11 of the Pennsylvania Turnpike thence extending in a northerly direction about 14 miles along existing U.S. Route 220 to the Blair County Line.

Section 4. Expenses for conducting the feasibility studies. All expenses for the conducting of the feasibility studies in this act shall be paid by the Turnpike Commission created by the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act, out of current turnpike revenues and shall not be deemed a liability of the Commonwealth.

Section 5. Other powers.

Amend Sec. 9, page 15, line 23, by striking out (c)"

Amend Sec. 9, page 15, line 26, by striking out "making surveys, soundings, drillings and examinations," and inserting: conducting the feasibility studies

Amend Bill, page 16, lines 3 through 30; pages 17 through 26, lines 1 through 30; and page 27, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 21, page 27, line 3, by striking out "21" and inserting: 6

On the question,

Will the Senate agree to the remainder of the amendments, as divided?

Senator SINGEL. Mr. President, I would like very much to ask my colleagues to join in a negative vote on this particular section of the amendments of the gentleman from Blair, Senator Jubelirer. It is difficult to overestimate the deleterious effect that this portion of his amendments would have on those projects already contained in the legislation. Specifically what the amendments of the gentleman would do would be to undercut the importance and the urgency of the projects by changing the language to only require and suggest a feasibility study. Currently for several of the projects, including the very important U.S. Route 219 project in Pennsylvania, there is language that empowers and directs the Turnpike Commission to construct the roadway if feasible. I think there are enough precautions in the legislation itself that nobody is going to be rushing headlong into construction. There are provisions for a feasibility study already. It is just that the language that is contained in House Bill No. 1394 as currently written puts a higher priority and a higher emphasis on moving to construction as soon as possible. To accept this portion of the amendments of the gentleman from Blair, Senator Jubelirer, would be to set back efforts on Route 219, for example, that have been going on for twenty years and efforts that have been going on in this Senate for the past one year to advance the concept of toll roads.

Mr. President, I would ask for a negative vote on this portion of the amendments of the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I have listened carefully to the gentleman from Cambria County and respect that which he sets forth. He and I both have been very frustrated over the years, certainly I have over the years I have been here and long before on the highways and the delay of highway construction in our area of western central Pennsylvania. However, the purpose of the amendments clearly is not to undercut as the gentleman sets forth or set back anything at all, it is rather to take a responsible position that I think needs to be taken in an area such as this.

Mr. President, I think as we deal with this piece of legislation, what my amendments do, so the Members understand it, they provide that the Turnpike Commission does indeed do a feasibility study but it certainly does not mandate the construction which at least our legal counsel feels the bill does. I think that is not responsible and it does not undercut, Mr. President. It is not my intent to hurt or delay Route 219 or Route 220 of the Beaver County Expressway or any other of the highways that are in this legislation but rather have that feasibility study done and then it would be appropriate for the General Assembly to do as it sees fit at that time. We have to ask where the money would come from, whether there would be bonds sold because that is for this General Assembly to determine. This Turnpike has run extremely well over a long number of years. We have pioneered the turnpike system and I believe that is commendable, but I think we could be creating a situation that could be a nightmare and not what either the gentleman from Cambria, Senator Singel, or I or anybody else would want to happen. It could, indeed, destroy the system and the integrity of the system or increase the cost of that Turnpike so significantly that those in the other part of the State would be paying the price.

Mr. President, I support the idea of Route 219 and Route 220 being studied and the other highways that are in the bill, but I believe we should have the report on that feasibility study before acting. I think to do both at once is not in the best interest of the Turnpike Commission, the people of Pennsylvania, or the motoring public in general. Therefore, Mr. President, I would respectfully request a positive vote on the other part of the amendments.

Senator TILGHMAN. Mr. President, I support the amendments of the gentleman from Blair, Senator Jubelirer. I support toll roads but remember this, toll roads are not automatically money-makers. It depends on the amount of traffic on the road. Our caucus said there had been an estimate that this road could cost \$500 million. By the time we get to building it, if it is ever built, it could cost a billion dollars and I would remind my colleagues that the northeastern extension of the Pennsylvania Turnpike is a money loser. It is a toll road but it is a drain. We should first have the study, then vote as to whether we wish to issue the bonds to pay for this. The tolls do not automatically pay off the bonds. It depends on the traffic.

Mr. President, I urge an affirmative vote on the amendments of the gentleman from Blair, Senator Jubelirer.

And the question recurring,

Will the Senate agree to the remainder of the amendments, as divided?

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

YEAS—22

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

NAYS—25

| | | | |
|------------|---------|-----------|-----------|
| Andrezeski | Lewis | O'Pake | Singel |
| Bodack | Lincoln | Reibman | Stampone |
| Early | Lloyd | Romanelli | Stapleton |
| Fumo | Lynch | Ross | Stout |
| Hankins | Mellow | Scanlon | Wilt |
| Kelley | Murray | Shaffer | Zemprelli |
| Kusse | | | |

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

The PRESIDENT pro tempore. House Bill No. 1394 will go over, as amended.

REQUEST FOR RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room to the rear of the Senate Chamber. I believe the gentleman from Allegheny, Senator Zemprelli, has a request for Members of his caucus that can take place at the same time in order to save time.

Senator ZEMPRELLI. Mr. President, I would request that during the recess of the Senate for the purpose of the meeting of the Committee on Rules and Executive Nominations, the Democratic Members of the Senate now caucus on the issue of the remaining bills on the Calendar.

Mr. President, it is imperative that all Members come to the caucus immediately.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR SINGEL

Senator ZEMPRELLI. Mr. President, I request a legislative leave of absence for the balance of today's Session for Senator Singel.

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

RECESS

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room immediately to

the rear of the Chamber, and for the purpose of a Democratic caucus to which all Members of the Democratic caucus are cordially invited, the Senate is now in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SB 1364 CALLED UP

SB 1364 (Pr. No. 1773) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL LAID ON THE TABLE

SB 1364 (Pr. No. 1773) — Senator JUBELIRER. Mr. President, I move that Senate Bill No. 1364 be referred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Bodack, will state it.

Senator BODACK. Mr. President, is it true that if this bill is recommitted to the Committee on Appropriations, that I will not be given the opportunity I have waited one week for and was guaranteed yesterday?

The PRESIDENT pro tempore. The gentleman is out of order. That is not a part of—

Senator HESS. Mr. President, I object to the motion.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator HESS. Mr. President, under the Rules of the Senate I understand it is proper if I ask why this bill is being rereferred to the Committee on Appropriations?

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that the debate upon this matter is limited to the propriety of the reference and Senator Hess has requested the purpose for the reference which appears to the Chair to be within the Rules. Senator Jubelirer, do you care to respond?

Senator JUBELIRER. Mr. President, in response to the gentleman, it would appear we have taken routine revenue bills and sent them to the Committee on Appropriations when it appears there is a revenue issue at hand. In this case, Mr. President, it would appear that the bill of the gentleman from York, Senator Hess, would affect the gross receipts of utilities and thus affect the gross receipts tax which inures to the benefit of the Commonwealth. I think it would be most

appropriate that the Committee on Appropriations give us a fiscal evaluation of Senate Bill No. 1364 for that reason.

Senator HESS. Mr. President, I will stick right to that particular point and I would like to read for the benefit of the Body page 1, line 11 through line 15, "Definition.—As used in this section the term 'extraordinary outage' means an event or occurrence which renders inoperative for such period or periods of time as the commission shall establish by regulation, any electrical generating or transmitting facility."

The PUC has not, because we have not authorized them to define extraordinary outage, therefore it would be impossible for anyone, the Budget Office, the PUC or the Committee on Appropriations to render a fiscal note because we are talking about something that has not even happened.

The PRESIDENT pro tempore. The question recurs on the motion to rerefer the bill to the Committee on Appropriations.

Senator BODACK. Mr. President, I would like to speak against the motion to recommit.

The PRESIDENT pro tempore. The gentleman may proceed just with the reminder, Senator, that the debate is limited to the propriety of the referral of the bill to the committee.

Senator BODACK. Mr. President, if Senate Bill No. 1364 is recommitted to the Committee on Appropriations for whatever reasons the Majority Leader brings forth, what we are doing is we are eliminating the opportunity to have a full hearing on the floor of this Senate, not knowing when this Body is to adjourn or to take summer recess and even, in fact, if we are going to get it back in time before the General Election this year to discuss the merits of these amendments. I would point out to the Chair these amendments were passed by the House of Representatives on a vote of 192-0 and 190-2. I think, Mr. President, that is showing the importance—

POINT OF ORDER

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

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

Senator JUBELIRER. Mr. President, I believe the gentleman is out of order. There are no amendments before us at this time and for the gentleman to talk about amendments that may have passed the House of Representatives I do not think would be germane to the issue of rerefer to the Committee on Appropriations for the reason I stated to the gentleman from York, Senator Hess.

The PRESIDENT pro tempore. The gentleman's point is well taken as to the content of the last sentence of Senator Bodack's presentation and I would request the gentleman to stay on the issue of the propriety of the referral and not get into the merits of some amendments which the gentleman may wish to offer because that would be out of order.

Senator BODACK. Mr. President, I have been attempting to address the very reasons why this bill should not be recommitted. If that does not set well with the Majority Leader I would like to apologize, but I do not have it in me to do that.

This issue is so emotional with so many people in this Commonwealth that it behooves us not to adjourn, not to get out of this room until something is done so these amendments may be offered and have the opportunity to be aired by the entire Senate. Mr. President, I can stand here and listen to all kinds of legislative maneuvering not to have these amendments offered, but I would like to know what the reason is that we do not want them heard. These are extremely important. They have come to us in a House-passed bill and I have read in the media where the leadership is not going to allow bills to come out of committee.

The PRESIDENT pro tempore. The gentleman is now out of order. The Rules of the Senate permit limited debate on the issue of the propriety of the referral and so long as the gentleman stays within those guidelines he will remain in order, otherwise he will be out of order and the Chair will so rule.

Senator BODACK. Mr. President, I apologize to the Chair but I would like to inquire as to why the Majority Leader does not want this important consumer legislation brought up at this time?

The PRESIDENT pro tempore. The gentleman is out of order. There has been no such statement and there is no room for debate on that issue and the limited debate permissible on this issue.

Senator BODACK. Mr. President, may I inquire of the Chair what is the record for being out of order in this Body?

The PRESIDENT pro tempore. Will you please state your question again?

Senator BODACK. Mr. President, what is the record for being out of order in this Body?

The PRESIDENT pro tempore. Will the gentleman please approach the desk. The Chair is unable to understand exactly what he is asking. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore. It is requested by the Chair most cordially to stay within the guidelines set by the Senate Rules and as mentioned by the Chair.

Senator BODACK. Mr. President, I think the problem we face here today in this recommittal motion lies in the very fact that the Majority Leader does not want these important issues to be brought up on the floor today—

The PRESIDENT pro tempore. The gentleman is out of order and has been so instructed.

The question recurs. Those voting in favor of the amendments vote to rerefer the bill to the Committee on Appropriations. Those voting in the negative vote to keep the bill from the Committee on Appropriations.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator LINCOLN. Mr. President, may we be at ease for one minute?

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

Senator LINCOLN. Mr. President, I yield to the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, during my caucus yesterday I was told to allow this bill to go over.

The PRESIDENT pro tempore. Under the Rules of the Senate, Senator Lincoln, you may not yield to another Senator, you yield to the Chair.

Senator LINCOLN. Mr. President, does that mean I still have the floor, then?

The PRESIDENT pro tempore. That is correct, Senator.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator LINCOLN. Mr. President, when Senate Bill No. 1364 was reported from committee, was there anything attached to the motion by the committee itself that indicated there was a need for a fiscal note?

Senator JUBELIRER. Mr. President, I cannot respond to the gentleman because I am not on the committee from whence the bill came and I have no knowledge of any discussion at the committee meeting whatsoever.

Senator LINCOLN. Mr. President, is it unusual for a bill to remain on the Calendar for seven legislative days before the Majority Leader realizes that it needs a fiscal note?

The PRESIDENT pro tempore. That matter, Senator, may be a question for an inquiry under some other order of business, but on limited debate as to the reason for the referral of this bill, it is not in order.

Senator LINCOLN. Mr. President, I would like to have a further explanation on that. I think a question directly related to whether or not there is a fiscal impact by the bill has kept within the constraints of debate in this issue.

The PRESIDENT pro tempore. The Chair would agree with the gentleman. However, a question going to the general procedure of the Senate and the history of past bills as to how long they languished upon the Senate Calendar before being referred to the Committee on Appropriations is not on the point involving this bill and is, therefore, out of order.

Senator LINCOLN. Mr. President, I would like to rephrase the question, then.

Mr. President, could the Majority Leader inform this Senate as to what provisions of Senate Bill No. 1364, Printer's No. 1773, call for a fiscal note?

Senator JUBELIRER. Mr. President, the operation of the entire bill as I explained before in the previous inquiry.

Senator LINCOLN. Mr. President, is there the remotest possibility that the Majority Leader could be somewhat more specific?

Senator JUBELIRER. Mr. President, the best I can tell the gentleman is it does provide for a reduction in the revenue from the gross receipts. That needs to be referred. We have been referring those to the Committee on Appropriations and that is the reason we are referring this one to the Committee on Appropriations, to determine what that loss of revenue will be. If they can determine it, they will report back to this

Body what it is. If they cannot, then they can say that. But I believe that is one of the functions of that committee and we are following the procedure accordingly.

Senator LINCOLN. Would the gentleman from Blair, Senator Jubelirer, have any objections to citing the specific language in the bill that says there will be a reduction in a certain tax?

Senator JUBELIRER. Mr. President, I have given the gentleman my very best appraisal of the bill. Consultation with the Chairman of the Committee on Appropriations, as well as legal counsel and the overall context of that bill does precisely that. We do not know what the reduction in revenue will be. I think we need to determine that.

Senator LINCOLN. Mr. President, in all the years that I have been a Member of the General Assembly in both Bodies, it always was the function of the Committee on Appropriations to provide a fiscal note when there was an expenditure of monies either by the State or some local entity. This is a new trick to me. Are we now putting out fiscal notes for loss of monies? Could the gentleman from Blair, Senator Jubelirer, explain, you know, just what basis that fiscal note is going to be founded on?

Senator JUBELIRER. Mr. President, if I may, as we are looking here more specifically, in Section 1315 on page 1 of the bill, beginning on line 16 and continuing through to the bottom of that page and lines 1 and 2 of the second page, I think would indicate and substantiate what I have said generally before. I think the gentleman is well familiar that this has been a very routine procedure of this Senate. It would appear there is not much concern for procedure, but rather an attempt to embarrass rather than follow what has been normal procedure. I think we have tried to follow that as appropriately as possible, Mr. President, and this is no different.

Senator LINCOLN. Mr. President, did I understand the Majority Leader to indicate in that last remark that I am attempting to embarrass him? In what manner would I want to embarrass him? The bill is very noncontroversial. Is there some other ulterior motive for his remark?

The PRESIDENT pro tempore. In either event, for the further conduct of this debate for both gentlemen, such an issue of personal embarrassment is outside the scope of proper inquiry.

Senator LINCOLN. Mr. President, I object to that. I, in no way intended whatsoever to embarrass the gentleman and I do not think my questions were in any way out of line. They are questions I have heard asked in this Body and in the other Body on the other side of this building time and time again. If the gentleman feels uncomfortable with the position he has taken, then let him be embarrassed, but I did not intentionally attempt to embarrass him, and I resent that coming from somebody in his position—

Senator JUBELIRER. Mr. President, if I may interject. It was not the gentleman I was referring to and if the gentleman from Fayette, Senator Lincoln, took that personally, I regret that. I was talking about the previous speaker, not the gentleman from Fayette, Senator Lincoln. I am not at all uncom-

fortable with the position I have taken and I have no offense to the gentleman from Fayette, Senator Lincoln, but rather in the manner in which the previous gentleman had attempted to bring this matter to the Body. I believe we have done this appropriately and that is all I can say.

The PRESIDENT pro tempore. Members of the Senate, this debate must be limited to the propriety of the referral of the bill to the committee. Any reflection, imagined or real, by any Senator upon the motives, character or conduct of any other Member is always out of order, but particularly out of order in a debate which is so limited as this. The Chair would request that all persons debating this issue please stay within the permissible limits of the debate.

Senator LINCOLN. Mr. President, I think I maintained that direction and I would intend to do that in my further interrogation.

Mr. President, I desire to interrogate the gentleman from York, Senator Hess.

The PRESIDENT pro tempore. Will the gentleman from York, Senator Hess, permit himself to be interrogated?

Senator HESS. I will, Mr. President.

Senator LINCOLN. Mr. President, is the gentleman from York, Senator Hess, the prime sponsor of Senate Bill No. 1364, Printer's No. 1773?

Senator HESS. Yes, Mr. President.

Senator LINCOLN. Mr. President, in the gentleman's opinion, since he is the prime sponsor, I would say that he probably is the expert in considering this bill. In his opinion does he believe that Senate Bill No. 1364, Printer's No. 1773, requires a fiscal note?

Senator HESS. Mr. President, I think I have made it very clear that I do not.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator BODACK. Mr. President, we in this Chamber are all pretty well aware of some of the complexities that we have in offering legislation and amendments on this floor. I would like to ask the Majority Leader if he did, in fact, call the Democratic caucus yesterday to inform me as the maker of the amendments, that if we allowed the bill to roll over yesterday I would, in fact, have the opportunity to introduce my amendments today? I would also like to ask the gentleman if it was not so that a Member of the other side of the aisle was to be given my CWIP amendment for the opportunity of his introducing it today, based on the fact that I would go along with going over the bill yesterday?

The PRESIDENT pro tempore. Senator Bodack, once again the issues which you have raised are outside not only the issue which is here, but also now refer to matters which took place allegedly outside the Senate Chamber itself at another time and are not really relevant to the matter which is before the Senate which is the propriety of the rereferral of this bill. Therefore, the gentleman is once again out of order.

Senator BODACK. Mr. President, that was my question. Does that mean the Majority Leader is not going to answer my question?

The PRESIDENT pro tempore. The gentleman is out of order and unless he is able to stay within the Rules of the Senate and the rulings of the Chair, the Chair will not further recognize the gentleman.

Senator BODACK. Mr. President, I have attempted in every way I can to get the opportunity to offer my amendments and it is becoming increasingly obvious that the—

The PRESIDENT pro tempore. The Chair thanks the gentleman and the question recurs.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Bodack.

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

Senator BODACK. I will, Mr. President.

Senator FUMO. Mr. President, in order to arrive at an honest decision on whether I should vote to recommit this bill or not, obviously the gentleman from Allegheny, Senator Bodack, is opposed to that and I would like to ask the gentleman why he is opposed to the motion to recommit so vehemently?

The PRESIDENT pro tempore. So long as the gentleman's answer remains within the Rules of the Senate he may proceed.

Senator FUMO. Mr. President, I think the gentleman should have the opportunity to answer the question first and if it is not the answer I want, I will tell you and then I will object to it or perhaps the Majority Leader could object.

The PRESIDENT pro tempore. The gentleman is out of order. Senator Bodack, you may proceed.

Senator FUMO. I have asked a question, Mr. President, I would like an answer.

The PRESIDENT pro tempore. The question recurs, will the Senate vote to rerefer the bill?

On the question,

MOTION TO LAY BILL ON THE TABLE

Senator ZEMPRELLI. Mr. President, I move at this time that Senate Bill No. 1364, Printer's No. 1773, be laid upon the table and ask for a roll call vote.

The PRESIDENT pro tempore. Senator Zempirelli moves that Senate Bill No. 1364 be laid upon the table and requests a roll call vote. I would remind the Members of the Senate that such a motion is nondebatable.

On the question,

Will the Senate agree to the motion?

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

YEAS—44

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Hopper | Mellow | Shaffer |
| Bell | Howard | Moore | Singel |
| Corman | Jubelirer | Murray | Snyder |
| Early | Kelley | O'Connell | Stampone |
| Fisher | Kusse | O'Pake | Stapleton |
| Gekas | Lewis | Price | Stauffer |
| Greenleaf | Lincoln | Reibman | Stout |

| | | | |
|---------|---------|-----------|-----------|
| Hager | Lloyd | Rhoades | Street |
| Hankins | Loeper | Romanelli | Tilghman |
| Hess | Lynch | Ross | Wilt |
| Holl | Manbeck | Scanlon | Zemprelli |

NAYS—3

| | | |
|--------|------|--------|
| Bodack | Fumo | Pecora |
|--------|------|--------|

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

The PRESIDENT pro tempore. Senate Bill No. 1364 will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE
CONSERVATION COMMISSION**

May 5, 1982.

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 L. Hoover, Rural Route 2, Brownsdale Road, Evans City 16033, Butler County, Twenty-first Senatorial District, for appointment as a member of the State Conservation Commission, to serve until January 30, 1986, and until his successor is appointed and qualified, vice David B. Shepler, Champion, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF**

May 17, 1982.

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 Harry L. Stecher, 806 Poplar Street, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Leonard N. Wolf, Ph.D., Scranton, resigned.

DICK THORNBURGH.

DISTRICT JUSTICE

May 10, 1982.

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 Sally Ann Eddkins, 765 Somerville Drive, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as District Justice in and for the County of Allegheny, Class 4, District 06, to serve until the first Monday of January, 1984, vice Thomas O'Neill, Pittsburgh, resigned.

DICK THORNBURGH.

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

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

YEAS—47

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

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:

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

February 24, 1982.

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 Alfred W. Jacobs, Jr., 817 Anthony Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve until December 31, 1986, or until his successor is appointed and qualified.

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—44

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Hess | Manbeck | Shaffer |
| Bell | Holl | Mellow | Singel |
| Bodack | Hopper | Moore | Snyder |
| Corman | Howard | Murray | Stampone |
| Early | Jubelirer | O'Connell | Stapleton |
| Fisher | Kelley | O'Pake | Stauffer |

| | | | |
|-----------|---------|---------|-----------|
| Fumo | Kusse | Pecora | Stout |
| Gekas | Lewis | Price | Street |
| Greenleaf | Lincoln | Reibman | Tilghman |
| Hager | Lloyd | Rhoades | Wilt |
| Hankins | Loeper | Ross | Zemprelli |

NAYS—3

Lynch Romanelli 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.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

SECOND CONSIDERATION CALENDAR RESUMED

HB 2372 CALLED UP

HB 2372 (Pr. No. 3109) — Without objection, the bill together with amendments, which previously went over in its order temporarily, was called up, from page 9 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 2372 (Pr. No. 3109) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

AMENDMENTS WITHDRAWN

Senator O'CONNELL. Mr. President, I withdraw my amendments previously offered.

And the question recurring,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, lines 5 and 6, by striking out "powers and" in line 5 and all of line 6 and inserting: appointment of directors to an intermediate unit board of directors.

Amend Sec. 1, page 1, line 9, by striking out "915-A" and inserting: 910-A

Amend Sec. 1, page 1, lines 10 and 11, by striking out "added May 4," in line 10 and all of line 11 and inserting: is amended by adding a subsection to read:

Amend Sec. 1, page 1, lines 12 through 19; page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting:

Section 910-A. Intermediate Unit Board of Directors.—***

(h) The election or appointment of any director from a member district to an intermediate unit board of directors shall be approved by a majority vote of the board of directors of that member district and a record of such vote shall become part of the minutes of said district which record of the vote shall be transmitted to the intermediate unit, whereupon the intermediate unit shall seat such director as a member of the intermediate unit board of directors.

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, I am sorry to impose on the Senate, but I did talk to the Legislative Reference Bureau and to Representative Sirianni and we have drafted new amendments that we believe accomplish what we would like to have here. These provide that when a school district by majority vote indicates they would like to have one of their members represented on the intermediate board, then the minutes of that meeting would have to be transmitted to that intermediate unit, whereupon the intermediate unit shall seat such a director as a member of their board of directors. I would ask for support of the amendments.

Senator ZEMPRELLI. Mr. President, it is agreed that the amendments in their present drafted form conform to the gentleman's explanation of the amendments. The question is raised, however, that what the amendments do is raise a serious constitutional question and, quite frankly, we would like to have the opportunity to research them. I would ask the gentleman to withdraw his amendments at this time so we may have that opportunity. Otherwise, I would ask the Members of the Senate to oppose the amendments until such time as we make that determination. What the gentleman is doing by these amendments, Mr. President—

The PRESIDENT pro tempore. Will the sponsor of the amendments and Senator Zemprelli please come to the desk?

Senator ZEMPRELLI. Mr. President, as a result of our sidebar conference, I understand the gentleman is going to insist upon his amendments. We have raised the issue of whether or not the amendments, in fact, create any serious legal problem. Should the amendments pass, Mr. President, it is my understanding that the Senate will consider a motion to revert to a previous printer's number. On that basis, I am going to ask the Members of the Senate to vote in the negative on the merit of the amendments and, specifically, because of that particular reason and understanding what the discussion was.

Senator O'CONNELL. Mr. President, I would question the comments about the constitutionality, but, in any event, if there were to be a problem, I would agree to revert to the prior printer's number on Monday. I would, therefore, ask for an affirmative vote.

SENATOR STAUFFER TO VOTE FOR
SENATOR JUBELIRER AND
SENATOR RHOADES

Senator STAUFFER. Mr. President, Senator Jubelirer has had to leave the floor on legislative business and I would ask for a legislative leave in order that I might vote him on this final roll call. I was also just advised that Senator Rhoades was temporarily called from the floor. I would think before he would return, we would have a roll call and I would ask the same right to vote him.

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

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—24

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

NAYS—17

| | | | |
|------------|---------|-----------|-----------|
| Andrezeski | Lincoln | Murray | Singel |
| Bodack | Lloyd | Romanelli | Stapleton |
| Early | Lynch | Ross | Stout |
| Fumo | Mellow | Scanlon | Zemprelli |
| Hankins | | | |

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

On the question,

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

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

ANNOUNCEMENT BY MAJORITY WHIP

Senator STAUFFER. Mr. President, since that last roll call completes the Calendar, before we move on to the next order of business and Members leave the floor, I thought it wise to announce that we will be in Session tomorrow for the purpose only of moving bills up. There will be no roll calls, so there will be no need for concern by the Members as far as attendance at tomorrow's Session is concerned.

MEETING OF THE COMMITTEE OF CONFERENCE ON SB 1

Senator O'CONNELL. Mr. President, just for the purpose of an announcement, there will be a meeting of the Committee of Conference on Senate Bill No. 1, in Room 459, at 7:00 p.m.

The PRESIDENT pro tempore. The Committee of Conference on Senate Bill No. 1 will meet at 7:00 p.m. this evening in Room 459.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator FISHER, from the Committee on Environmental Resources and Energy, reported, as amended, SB 955 and HB 2362.

Senator MANBECK, from the Committee on Transportation, reported, as amended, HB 556.

Senator GEKAS, from the Committee on Judiciary, rereported, as amended, HB 1806.

Senator TILGHMAN, from the Committee on Appropriations, rereported, as amended, SB 1385.

Senator WILT, from the Committee on Game and Fisheries, reported, as committed, HB 2127; as amended, HB 1244.

RESOLUTION REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, Serial No. 71, entitled:

Special Senate Committee study hazardous waste management.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, MUNICIPAL COURT OF PHILADELPHIA

April 5, 1982.

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 Louis James Presentza, Esquire, 2410 South 21st Street, Philadelphia 19145, Philadelphia County, Second Senatorial District, for appointment as Judge, Municipal Court in and for the City of Philadelphia, First Judicial District of Pennsylvania, to serve until the first Monday of January, 1984, vice the Honorable Ricardo Jackson, elected to the Court of Common Pleas.

DICK THORNBURGH.

NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, I request that the nomination just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nomination will be laid on the table.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator HESS submitted the Report of Committee of Conference on HB 1040, which was laid on the table.

BILLS IN PLACE

Senator BODACK presented to the Chair several bills.

POINT OF INFORMATION

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Bodack, will state it.

Senator BODACK. Mr. President, I was wondering if I could make comment on the bills I just presented?

The PRESIDENT pro tempore. Under the Rules of the Senate, Senator, no comments are permitted at this time under the introduction of bills. The time for that would be on Petitions and Remonstrances, and the Chair will recognize the gentleman at that time for comments upon these bills and any other matter he wishes to discuss.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Earl L. Dunsmore by Senator Andrezeski.

Congratulations of the Senate were extended to George Crumb by Senator Bell.

Congratulations of the Senate were extended to Larry Day by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Clair Adams, Mr. and Mrs. Henry C. Bryan, Mr. and Mrs. Arthur S. Calvert, Mr. and Mrs. Ira Claar, Mr. and Mrs. William L. Diehl, Mr. and Mrs. Herman A. Elder, Mr. and Mrs. Henry C. Herline, Mr. and Mrs. Charles Houck, Mr. and Mrs. Howard Pelter, Mr. and Mrs. Edward A. Scheeler, Mr. and Mrs. John A. Shoop, Mr. and Mrs. Wilbur F. Walk, Sr., Mr. and Mrs. Harvey Wolf and to Mr. and Mrs. C. L. Worthing by Senator Jubelirer.

Congratulations of the Senate were extended to Lenny Barker and to the William Penn Fire Company of Hulmeville by Senator Lewis.

Congratulations of the Senate were extended to Jacqueline Cabrera, Maximillian Clark and to Lenore Irvin by Senator Lloyd.

Congratulations of the Senate were extended to Edward H. Funk, Jr., Daniel J. Giovanelli, Mark Kleponis and to the Thermopylae Chapter Number 445 of Delaware County Order of AHEPA by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Loeb and to Rudolf Staffel by Senator Price.

Congratulations of the Senate were extended to Mr. and Mrs. John C. Gundlach, Mr. and Mrs. W. B. McCurley, Mr. and Mrs. Frank Potter and to Mr. and Mrs. Lester J. Stack by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Lynnford Livengood and to Charlotte Corle McCreanor by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

Senator BODACK. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 955, 1496, HB 202, 556, 1093, 1244, 2127 and 2362.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

Senator BODACK. Mr. President, I have offered a package of bills today in an attempt to bring about long overdue utility reform and enhance consumer protection in Pennsylvania. The necessity for our action on these bills is underscored by the fact that the pendulum between the consumer and the utility interests has swung too far in favor of the utilities. Mr. President, the imbalance is caused primarily because of voids in existing law. The Pennsylvania Public Utility Commission needs further legislative direction.

On April 19, 1982, more than a month ago, our colleagues in the House overwhelmingly passed on bipartisan votes two legislative proposals in an attempt to provide for meaningful utility reform. However, Mr. President, those two bills, House Bill No. 1191, which passed by a vote of 193-0, and House Bill No. 1791, which passed by a vote of 190-2, face the prospects of inaction by this Chamber. It has been indicated to me that neither of these proposals will be brought up for consideration by the Senate Committee on Consumer Protection and Professional Licensure anytime soon if, in fact, at all. Not knowing, Mr. President, how much longer the Majority leadership plans to keep us in Session prior to a break for the summer, or for the remaining part of the year for that matter, I felt it imperative that this Body address the utility reform issue now and without further delay.

Therefore, some of the bills I am offering are essentially identical to provisions which are contained in the legislation which was passed by the House.

Mr. President, I also rise today to voice both concern and frustration; concern, over the fact that Pennsylvania's utility consumers are not getting a fair shake, and frustration over the fact that the Republican Majority leadership of this Chamber apparently does not care. In fact, Mr. President, the Majority leadership's position, as so clearly defined today is to stall or to avoid active consideration of any measure that would enhance consumer protection over the monopolistic utility interests. Without a doubt, it was the utility lobby in this State that won another battle today through parliamentary maneuvering when the Republican leadership saw to it that much needed and long overdue utility reform legislative initiatives will be buried without any chance for serious revival in the current legislative Session.

I am appalled, Mr. President, by the Senate Republican leadership. More than a month ago, as I stated before, the State House Republicans and Democrats alike overwhelmingly passed a two-bill package of utility reform legislation. Those two bills have collected dust in the Republican-controlled Senate Committee on Consumer Protection and Professional Licensure ever since. In an effort to have many of the good provisions of that House-passed package considered by this Body, I was prepared today to offer a series of amendments to another bill on the Senate Calendar. It was my sincere hope we could have had an airing, a public airing in

this Chamber on these matters of consumer interest instead of simply caving in to the special interests.

Unfortunately, Mr. President, the action to block consideration of these amendments once again demonstrated that those who were in charge of running this Senate are more interested in the special interests than they are in the interests of the average citizen of this State. The leadership has suggested these proposals should be considered separately and in time. Hoping there is some sincerity in that suggestion, I have today introduced as separate bills the various utility reform proposals.

On the other hand, Mr. President, I remain concerned and frustrated because I doubt that sincerity. Believe me, Mr. President, I do not understand, nor will the majority of the constituents understand, why it should take so long for the Legislature to act on behalf of consumer interests. The necessity for our action is without any question necessary because the pendulum between consumer and utility interests has swung too far in favor of the utilities. The reforms that were embraced by the House legislation and the various additional amendments I would have offered today are not and never were intended to bankrupt or otherwise impair the investor-owned public utilities of this State. They were merely an attempt to strike a new and reasonable balance between the utility interests and the interests of the people which the utilities serve.

What we are talking about, Mr. President, is a fair balance. We are talking about initiatives to give this State's Public Utility Commission additional legislative direction to fill the voids in existing law. It is these voids in existing law, Mr. President, that have given utilities just a little more than their fair share. I repeat, Mr. President, I am concerned and I am frustrated. I would venture to say the people of this State will be also when they are made aware of the inaction and deliberate tactics of delay as demonstrated by the Republican leadership of the Senate of Pennsylvania today. Utility reform and enhanced consumer protection will be implemented. The people will have their say. If not now, Mr. President, I am sure they will in November.

Senator FUMO. Mr. President, I rise today to discuss the events which occurred when I began my interrogation of the gentleman from Allegheny, Senator Bodack. I think it is a very sad day in the Senate of Pennsylvania when the Chair prejudices answers before they are heard; in effect, almost rules the person who is being interrogated out of order before the answer is given, and then when a question on that is raised, the microphone is turned off. Mr. President, if freedom of speech is not sacred in this Chamber, then it is in danger everywhere in this Commonwealth as long as the philosophical views of people that put you in that Chair remain in power. If my microphone can be cut off here during a legitimate debate, when I was not even ever ruled out of order, then we are in great danger in Pennsylvania. I speak to this issue because it personally affected me, but I think in the long range it may affect every Senator in this Chamber. I recognize those Senators who are today in the Majority do not share my concern because they feel the shield of the Majority.

Mr. President, when one is in the Majority, they must recognize they have an obligation at least to be fair.

I am one who is a realist. I am one who realizes when you have twenty-six votes, there are an awful lot of things you can do. One of the things you cannot do is frustrate freedom of speech. I was sent here by a quarter of a million people who live in Philadelphia who saw fit to send me here. That may upset some people, but that happens to be a fact of life. It is also a fact of life, and I remind some of my colleagues from the suburbs, although not all of them, Philadelphia is still a part of this Commonwealth.

Mr. President, I am speaking to the media because obviously speaking to you is not going to do much good. Hopefully, if I speak to the media and they can print what happened today, perhaps then you will get the message that the people of Pennsylvania will not tolerate your shenanigans. The last time I saw something like that happened was at the 1968 Democratic Convention when Mayor Richard Daley notified the Speaker's rostrum to cut off the microphone and cut off debate. That was a sad day for the Democratic Party and it was a sad day for this Nation.

As a warning to you, Mr. President, the voters went out that year and cut off the Democratic Party. I would hope, Mr. President, if the media is responsible and reports your tactics today, the voters of this Commonwealth will cut you off from this Session and cut off your power.

Mr. President, I would remind you in the Rules of the Senate, specifically Rule XIII, dealing with motions, Subsection 2, which concerns itself with the precedence of motions, lists privilege as the fourth orderly motion. The only motions which precede that are the motions to adjourn, the motions of previous question and the motions of recess.

Mr. President, after you cut off my microphone and began to recognize someone else to save yourself embarrassment, I rose to a point of personal privilege, a motion which you clearly heard but which you ignored. You violated the Rules of this Senate by failing to at least listen to my point of personal privilege.

Mr. President, I would hope in the future you would learn some discretion and stop and lengthen your short views. You have twenty-six votes and regrettably they seem to be twenty-six puppets these days. They will rule me out of order, even though I am not. I think, Mr. President, you should allow me to use the microphone.

The PRESIDENT pro tempore. The gentleman is out of order.

Senator FUMO. Mr. President, I am not out of order right now. This is Petitions and Remonstrances. Can you tell me why?

The PRESIDENT pro tempore. The gentleman is out of order. Any comments upon the motives or actions of the Members of the Senate is clearly outside the Rules of the Senate and the gentleman will always be recognized and will be permitted to speak on any matter so long as he stays within the Rules and does not impugn the character or motives or actions of fellow Members of the Senate.

Senator FUMO. Mr. President, will the Chair stand for interrogation, then?

The PRESIDENT pro tempore. The Chair does not stand for interrogation. That is not within the Rules either.

Senator FUMO. Will the President pro tempore step down from the rostrum and allow the Majority Whip to take the rostrum and then stand for interrogation, as you have raised the issue?

The PRESIDENT pro tempore. The Chair will not and the gentleman is out of order. The gentleman may proceed so long as he stays in order.

Senator FUMO. Mr. President, we will proceed with this, and I think the only way I can proceed, I think your answers speak for themselves. Again, I would hope the media who are listening to these Petitions and Remonstrances and this minor debate that you have made into a debate would be able to adequately report the facts.

Mr. President, I would like to know from the Chair or from the gentleman from Lycoming, Senator Hager, who is sitting as President pro tempore and in the Chair, why when I rise to a point of personal privilege after my microphone was cut off, arbitrarily, I might add, although that might be my value judgment, when my microphone was cut off, I rose to a point of personal privilege and could not be recognized? I rose very vociferously, as I am sure the President remembers. I do not want that to be a rhetorical question. Obviously you are going to make it a rhetorical question. I would repeat my admonition to you that I would hope in the future you would learn to control your temper so there could be fairness in this Chamber.

The PRESIDENT pro tempore. The gentleman is out of order. Comments about the qualifications, the personal attributes of Members of the Senate, particularly the Chair of the Senate, must be out of order, Senator. The Chair requests the gentleman stay within the Rules or his microphone will be turned off again.

RULING OF CHAIR APPEALED

Senator FUMO. Mr. President, I think that is an arrogant statement, but even though it is, I would appeal your motion that I am out of order. I would appeal the ruling of the Chair and ask for a roll call vote.

The PRESIDENT pro tempore. Senator Fumo has appealed the ruling of the Chair that his remarks are out of order. All those Members of the Senate—

Senator STAUFFER. Mr. President, I recognize the emotion that is in the Chamber at this moment and I would hope the gentleman from Philadelphia would withdraw his motion and not put us to a vote on that issue.

I would like to briefly respond to part of his remarks because as I interpreted his remarks, I think they were divided into two parts. I think there were remarks addressed to the Chair and there were remarks addressed to the Majority. On behalf of the Majority, Mr. President, I would like to assure the gentleman that there is no desire or attempt on our part to frustrate anyone in the Minority from having the opportunity to participate in free debate and to participate in the process of this Senate in any way.

I think it is clearly understood that there are issues on which we divide and there is a responsibility which falls upon the shoulders of the Majority to get the job done. That requires that we move forward on issues if we are to get the job done.

By the same token, Mr. President, I think it is unfair to make any characterization toward the Majority that we as a party are not mindful of the rights of the Minority and are unwilling to permit the Minority to be heard. That is as far from the truth as anyone could be. I, as an individual, fully respect the gentleman's right to debate, to participate in every way. I would remind the gentleman however, we do have Rules in the Senate and we do have to live within the Rules of the Senate. When someone strays outside the Rules of the Senate, it becomes the mission and the duty of the Chair to bring us back on course. Whether the transgressions be on either side of the aisle, and I believe in a portion of the debate today, as I recall, the Chair was forced to address both sides of the aisle by insisting that we come back within the Rules and stick to the issue, but I do not believe there should be any chastisement when we arrive at that kind of a situation. I think we recognize that in the heat of the debate and the heat of the issues we face, there are times when emotions do rise and perhaps boil a little bit. In fact, I must say I personally am somewhat surprised that we do not find more periods in our history that we reach heavy emotion. I think that is to the credit of the Membership and I think when we face the situation as we faced today, I think we should all recognize those instances will occur and the quicker we can put them behind us and lay them aside, the better off we will be as a Body and I would hope we can put this issue to rest now and move on with the government of Pennsylvania.

Senator BODACK. Mr. President, I should like to remind the gentleman that I, as a Member of this Body, am also too familiar with the issues of survival.

I would like to point out to the gentleman also that the very issues which we attempt to discuss on this floor today are issues of survival to each and every one of my constituents, as well as the constituents of the gentleman, and I object to the gentleman putting our survival tactics ahead of the constituents, residents and consumers of my district.

APPEAL WITHDRAWN

Senator FUMO. Mr. President, in response to the gentleman from Chester, Senator Stauffer, I think I can be magnanimous at this point in time and withdraw that motion, but I do want to continue.

I think the gentleman from Chester, Senator Stauffer, ought to understand the only reason why I had to make that motion was because the Chair ruled me out of order in an area I did not think I was out of order. It crystalizes the issue I was speaking about earlier.

The gentleman from Chester, Senator Stauffer, speaks about the Rules of the Senate that are provided to maintain calm on heated debates. I agree with that, but I would like to recount for the gentleman from Chester, Senator Stauffer, who may have forgotten, the sequence of events that led to that incident. I rose to the microphone and was recognized and asked to interrogate the gentleman from Allegheny,

Senator Bodack. The gentleman agreed to that interrogation. I asked the gentleman a question which bore directly on the issue and the issue was whether or not the bill should be recommitted to committee. I said very clearly, and I believe the record will bear me out, that I was trying to make up my mind on how to vote on that issue and that the gentleman from Allegheny, Senator Bodack, was adamantly opposed to the issue. I wanted to know why he was opposed. The Chair at that point in time interjected itself, and when we talk about personalities, I believe whoever was in the Chair must learn to be at least unbiased at that stage. The Chair interjected itself and ruled the gentleman from Allegheny, Senator Bodack, almost out of order although it did not go that far, before he even answered the question. I then objected to the Chair's statement. I thought the proper thing to do was for me to ask a question. If the respondent in the process of his answer went afield from the decorum of the Senate, then he could be ruled out of order. The admonition at that point in time to the gentleman from Allegheny, Senator Bodack, was in my opinion, personally motivated and I raised that issue. The Chair then did not even give me the courtesy of ruling me out of order so I could appeal the ruling, but rather adapted the Hitler tactics of turning off my microphone. Then I raised the point of personal privilege which is clearly provided for in the Rules under motions on page 7 and could not be recognized for a point of personal privilege. That was my reason—

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Montgomery, Senator Holl, will state it.

Senator HOLL. Mr. President, I think the Rules of the Senate are very clear insofar as taking any other Member of the Senate's name in vain or making any innuendoes or insinuations. I believe, too, the image of this institution is going to be depreciated, it is going to be reduced to what might be termed hoodlum status if we do not conduct ourselves within the Rules. I think to make statements such as "Hitler tactics" and others that were made today, does not wear well with this institution and I object to them. I think the Rules should be enforced as to using those statements or making any demeaning reference to any Member.

The PRESIDENT pro tempore. The gentleman's point is well taken.

Senator FUMO. Mr. President, I withdraw the reference to Adolf Hitler. I did not know he was a Member of the Senate but I will, then, use the word totalitarian tactics if that is acceptable to the gentleman from Montgomery, Senator Holl.

The PRESIDENT pro tempore. The gentleman continues to be out of order and the Chair must—

Senator FUMO. Why am I out of order now, Mr. President?

The PRESIDENT pro tempore. The Chair must request of the gentleman from Philadelphia, Senator Fumo, that he continue to treat the Chair of the Senate with respect and not refer to tactics there as being Hitler tactics or then going forward to say he was not aware that Hitler was a Member of the Senate. The Chair requests the gentleman to please stay

within the guidelines. This is clearly set forth by the Senate Rules and by propriety and by common courtesies.

PERSONAL PRIVILEGE

Senator STAUFFER. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, my point is it has been a time-honored policy in the Senate of Pennsylvania that in our debate we never make personal references toward other Members of the Senate. In the years I have spent here we have had some very heated and very decisive debates, but we have all recognized we are here to do a job to which we were elected and to represent a viewpoint and that the other forty-nine Members of the Senate were also here doing the same thing and that we were never to question the motives or the personal characteristics of our colleagues in the Senate.

Mr. President, I believe the gentleman will be well-advised to take heart and take heed of that time-honored tradition and to debate as heatedly and as strongly as he will on the issues, but to allow each of the Members of the Senate their right to do as they please as far as their votes and their actions with regard to their votes or concerns.

I might say to the gentleman, Mr. President, there are times when I have believed that some Members literally did foolish things in their actions on the floor of this Senate, but I have also believed that in addition to being able to cast our votes and to follow the directions that we will, we also have the right to be fools if we individually wish to do so and it is no other Member of the Senate's right to make any personal remarks or to direct remarks in that direction.

Senator FUMO. Mr. President, I always give colleagues respect and courtesy but I demand that in return. I think today I was not given respect or courtesy when I rose to a point of personal privilege.

Mr. President, I have heard an awful lot of talk tonight about the Rules of the Senate, the sacrosanct Rules of the Senate. Apparently the interpretation is that if we are in the Majority we can ignore the Rules of the Senate or hide behind them when we want, but if we are in the Minority, we must accede to them constantly. That is my view, Mr. President. I want to know why, when I rose to a point of personal privilege, I was not recognized. I want to know why my microphone was cut off and I was never ruled out of order. If the gentleman from Chester, Senator Stauffer, can give me the answers to those questions, I would be glad to hear it because I researched the Rules. Maybe it is out of frustration that I say the Chair acted in a totalitarian fashion and maybe I am not even allowed to say that. I do not know what I am allowed to say anymore, but I think there has to be some explanation if we are going to call this a deliberative Body as to why a duly elected, sworn and seated Senator has his microphone cut off without ever having been ruled out of order, or why a Senator who is duly elected and sent here by his constituents, as unpopular as that constituency may be to some, cannot be recognized when he rises to a point of personal privilege.

Mr. President, I recognize the history of the Senate. In the four short years I have been here I would agree that we have not seen too much of the anger that I expressed today. I would also like to remind the Majority Whip that during those first two years we were in the Majority on this side of the aisle. We did not cut a Senator's microphone off. We did not cut Senators off from debate and maybe that is why the other side of the aisle did not have to experience the frustrations that we have experienced. No one has yet to explain to me why those two things occurred to me and I doubt if anyone ever will. If the image of the Senate is to be tarnished, I submit that it already has been tarnished by what I characterize as totalitarian tactics. If there is another more subtle word, I would appreciate hearing it. I am not married to that word but I also vehemently reject any Senator being cut off from debate, no matter who the Senator is. I would be just as vociferous here today at this microphone if something had happened to a Member of the other side of the aisle because I fear that if something like this can happen to me, it can happen to anyone in this Chamber at some point in time.

Mr. President, my big fear is, because the other side of the aisle is in the Majority they may have lost sight of the down-the-road consequences. That is my fear, Mr. President, and that is why I refer to the Majority because the Majority is the party that put in the Chair the gentleman that did the action. I do not condemn the Majority for the individual action but indirectly they are responsible and no one from the Majority stood up to speak.

Mr. President, I will digress from that for a moment and now deal with the real subject of the issue of today's debate. The gentleman from Allegheny, Senator Bodack, has already alluded to it. I think what happened today on Senate Bill No. 1364 was a great crime and a shame to the consumers of Pennsylvania. I hope the media is beginning to understand what procedural votes mean. Many, many times bills are moved over, they are moved back to committee, they are tabled, and the media does not understand what is going on. Because sometimes they do not understand, they cannot convey that back home to the constituencies. I have seen that happen, Mr. President. What happened today was, and I can only just guess, and I think I am allowed to guess on Petitions and Remonstrances and, if I am not, I am sure the Chair will rule me out of order; I think the motivation of sending Senate Bill No. 1364 back to the Committee on Appropriations was one which was done so the consumer amendments could not be considered. I submit, Mr. President, the Majority has a very close relationship with the special interests of the utility.

PERSONAL PRIVILEGE

Senator MANBECK. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Lebanon, Senator Manbeck, will state it.

Senator MANBECK. Mr. President, we have been in here for many hours and the Members are getting weary. I have forty-nine very good personal friends serving in this Senate and I think nothing will be accomplished by continuing the debate. Therefore, I move that we adjourn until 9:30 a.m. on June 3, 1982.

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

The PRESIDENT pro tempore. The Chair is advised the gentleman did not rise to a point of personal privilege but to make a motion. That motion is not in order since the Senator may not interrupt someone who has the floor for the purpose of making that motion.

Senator MANBECK. I apologize to the Body and withdraw my motion if I was out of order. Apparently I am not the first one out of order today.

Senator FUMO. Mr. President, I think the attempted move to send Senate Bill No. 1364 to committee was a procedural move again so it could be clouded, so those individuals who owe their seats to the special interests of the public utilities through campaign contributions and otherwise would not be forced to vote against those special interests. There can be no other explanation because the amendments that the gentleman from Allegheny, Senator Bodack, attempted to attach to that bill passed the House of Representatives by 192-0, I am advised. They are all, each and every one, good amendments. I would have no objection to the Majority having twenty-six votes if we would have been able to vote upon each and every one of those amendments and the Majority would prevail. That was a tactic that was used by the Majority in this case to protect some of its Members who have conflicting interests. Those conflicting interests are their loyalties to the special interests and their fear of their voters.

Mr. President, this floor is a floor upon which men either demonstrate their courage or their cowardice. That courage and cowardice is demonstrated through the orderly vote on such amendments. The Republican leadership in this particular instance opted to avoid that.

PERSONAL PRIVILEGE

Senator STAUFFER. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, I would remind the gentleman that the language that he just used was exactly the language that brings about the type of debate that has reached here today. It is not for the gentleman from Philadelphia, Senator Fumo, Mr. President, to determine whether any Member of this Senate is a coward or a hero. The gentleman is in proper order to attack if he will in a proper form of debate what he perceives the motivations with regard to a vote or concern. We have the right to retaliate and I certainly will respond to some of the remarks of the gentleman, but I take great personal objection to trying to brand anyone as a coward, to demean the character of any individual and I must appeal, Mr. President, not only to the gentleman from Philadelphia, Senator Fumo, but to the Majority leadership or the Minority leadership to consider this situation and to see we do not have a continuing repeat of this name calling that is only going to raise the hackles of the Members of the Senate and demean this Body in every way.

The PRESIDENT pro tempore. The gentleman's point is well taken and may I stop him before he, too, is out of order

for entering the debate and once again request Senator Fumo to refrain from discussing personalities, motivations and refrain from characterizing persons who vote one way or the other in some terms which he chooses, but to stay within the Rules of the Senate and the rules of decorum.

Senator FUMO. Mr. President, if I made a mistake I apologize, but I do not believe I characterized any individual Member of the Senate either as being courageous or as being a coward. The only thing I said was that the attempted move to send that bill back to committee avoided the public from finding out who, if anyone in this Senate, was either courageous or cowardice and they could be the judge of fact. I did not label anyone as a courageous hero or anyone as a coward. I think it might be the paranoia of the Majority that cast itself in that roll.

The PRESIDENT pro tempore. The gentleman is out of order. Once again the gentleman is characterizing with terminology which certainly is outside the rules of decorum as well as the Rules of the Senate and the gentleman is once again requested to please stay within those Rules.

Senator FUMO. Mr. President, in order that I might be able to continue within the rules of order as much as possible, could you please cite the rule to me that I am violating when I say something like that?

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Montgomery, Senator Holl, will state it.

Senator HOLL. Mr. President, in the Rules of the Senate, Section 124 of Mason's Legislative Manual its reads as follows: "In debate a member must confine his remarks to the question before the house, and avoid personalities.

"2. A member in referring to another member, should, as much as possible, avoid using his name, rather identifying him by the district which he represents, his seat, as the member who last spoke...

"3. It is not the man but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or the consequences of a measure may be condemned in strong terms."

The PRESIDENT pro tempore. The gentleman's point is well taken. In addition to which the Rules of the Senate to which the Chair has been referring would be found on page 7 of the 1981 version of the Rules which is Rule XII, Section 1 and the Rule states a number of things and then the relevant part is "...and shall confine himself to the question under debate, avoiding personalities."

Senator FUMO. Mr. President, that being the case, could the Chair advise me as to what the question is that we are debating? I can understand some of the objections of the gentleman from Montgomery if we were debating on a bill. This, as I understand it, is Petitions and Remonstrances, when a Senator who feels he has been wronged can rise to the microphone and say why. I have not identified any Senator in particular with regard to any accusation. I have not identified the district of any Senator, and if I cannot express my feelings at this point in time as to why things occurred on the floor, then

when can I do it? That, Mr. President, is the crux of my argument today. When, if ever, can a Senator express objections when the Chair, if in the opinion of the Senator, rules arbitrarily and capriciously against him?

The PRESIDENT pro tempore. It seems to the Chair the gentleman has illustrated exactly the point the Chair is trying to make when it characterizes the ruling of the Chair as arbitrary or capricious. The Rule which was referred to is evident. The language in Mason's Legislative Manual is also very clear. It says it is not allowable to arraign the motives of a Member but the nature or consequence of a measure may be condemned in strong terms. Not the motive, Senator.

Senator FUMO. Mr. President, I am advised that refers to when there is debate on a specific issue, but even if that is not so, what I am doing today is talking about the consequences of an action. The Majority Leader in this Senate moved to recommit that bill to the Committee on Appropriations. I am talking about the consequences of that move. That is what triggered the chain of events which had me at that microphone cut off and not ruled out of order. That is the first violation that I charge and everyone that has gotten up to debate this has never once given me a reason why that happened and, secondly, why I was not recognized—

The PRESIDENT pro tempore. Senator, I think that reference to the record of today's Session will show very clearly that the Chair did rule you out of order and upon your continuing to speak did turn down the microphone.

Senator FUMO. Mr. President, I dispute that and I would like the record transcribed as quickly as possible on that. Then, going to the second issue, why, when I raised a point of personal privilege was I not recognized? That is clearly provided for in this Senate Chamber. I did it. I shut my mouth up the minute anyone on that side of the aisle just got up and raised a point of personal privilege. When I raised a point of personal privilege, I was not afforded the opportunity of recognition from the Chair and I cited the Rules specifically on page 7, Section XIII, Rule 2, "Motions shall take precedence in the following order: 1. Adjourn; 2. Previous question; 3. Recess; 4. Privilege..." I rose to the point of personal privilege which ranks number four. No one rose in the interim to move to adjourn or to move the previous question or to recess. Regardless of that, the Chair would not recognize my point of personal privilege. My complaint, Mr. President, is not with the Rules. My complaint is with what I characterize as capricious, the way in which the Rules are applied or at least the way in which the Rules were applied to me in that instance. I shall always complain and I shall always bitterly complain when anyone in this Chamber is cut off arbitrarily or capriciously in violation of these Rules.

Mr. President, the notes of testimony and the Journal will speak for themselves as to what happened this day. I would hope those Senators that were here, and particularly those in the Majority, to repeat, who think there is comfort and safety behind the shield of the Majority, will recognize that if they allow this to continue, and if they allow this to happen to any Member, they put themselves in jeopardy for the same thing happening to them at some point in time. That is why, Mr.

President, we have democracies; that is why we elect people. In this country we reject totalitarianism and one of our most precious freedoms is the freedom of speech, and even though sometimes that freedom of speech is not protected in other places, regrettably, it must always be protected in this Chamber.

Senator STAUFFER. Mr. President, I would like to respond to the remarks of the gentleman as they pertain to the Majority's move to recommit Senate Bill No. 1364 to the Committee on Appropriations. The gentleman, of course, has the right to characterize the reasons for that recommittal or rereferral, which I guess is a more proper term in this instance, in any way that he chooses, but I think in my rebuttal to him I want to point out as was pointed out in the debate on that motion, there is a definite cost factor to the Commonwealth embodied in the initial provision of Senate Bill No. 1364. At some point it is necessary that we find out what that cost factor is and that cost factor will obviously have a determining factor in whether we move forward to pass that bill or whether some Members or a majority of the Members might decide that they would vote in the negative. It has been a policy of the Majority to endeavor to get those fiscal notes from the Committee on Appropriations as quickly as possible. I would point to a continuing record of early recommittal for that purpose of many, many, many bills as we have moved forward during this current Session of the General Assembly.

Mr. President, as far as the amendments are concerned, I think the gentleman clearly knows there are those on this side of the aisle who favor legislation dealing with some of the issues that would have been raised through the amendment process had it arisen today. There are many who believe that some of those issues should be addressed in separate pieces of legislation because obviously it is not always a wise course to add a myriad of amendments which are not properly connected to one piece of legislation but rather it is a better policy under most instances to consider the merit of individual issues individually.

The issue of CWIP, the construction work in progress, is a good illustration of this and the gentleman well knows that. I think for the gentleman to endeavor to mislead the people of Pennsylvania into believing that the Republican Majority in the Senate of Pennsylvania is somehow anti-consumer and is opposed to providing properly for the utility needs of the people of this Commonwealth at a cost that is affordable, and that we are not attuned to that need and not concerned about that, is a misstatement of the fact and the truth is that we do have concern and we do intend to address those issues forthrightly in every way possible.

Mr. President, I want the record to clearly show there was no attempt on the part of the Majority to dodge any issue, to escape for anything, to do in the consuming public of this Commonwealth, but, rather, again, carrying out the responsibility of the Majority, there was a need for a fiscal note. The quicker we get that fiscal note, the quicker we can move forward with Senate Bill No. 1364. I am sure in due course all of the issues those Members on this side of the aisle wish to raise, as well as those on the other side of the aisle wish to raise, will be addressed in this Senate Chamber.

Senator LLOYD. Mr. President, I rise to discuss a problem that has arisen in this Chamber and has been alluded to here by the speakers today.

I think it is a problem that has come to the forefront in the Senate of Pennsylvania. That problem is simply this: the opportunity for free discussion and debate of the issues of great importance to Pennsylvanians is being systematically denied to Pennsylvanians and to the Members of this Body. The incident we saw today with the amendments of the gentleman from Allegheny, Senator Bodack, regarding utility corporations is only the latest in a systematic pattern of this. Earlier today House Bill No. 1920 was passed over, I think deeply in my heart, largely because it was known there were amendments to be offered that would have called for proper funding of community legal services and that would have been a great embarrassment to the Majority.

The utilities issue squarely places before us the classic example of an issue that is popular with the people of Pennsylvania and is virtually impossible by many Members of the other side of the aisle to refute and, therefore, that which is better than refutation is simply the lack of discussion.

Additionally we have seen this in the recent passage of the budget where there was not an opportunity to offer amendments and, therefore, discuss the issues of the people of Pennsylvania. Today, again, we saw not brought before us an issue which is relatively minor as the issue of salaries for certain officeholders in Philadelphia and, again, the intentional forfeiture of the opportunity to discuss those issues on the floor of this Senate because on the merits those issues were clearly strong.

Mr. President, again last week and into today we saw an example take place where a piece of legislation that called for a constitutional amendment to deal with the way real estate taxes are handled for Pennsylvania's elderly when the value of their homes have risen, was again handled in a procedural manner. We now have a responsibility, Mr. President, to place squarely before the public that substantive matters in the Senate of Pennsylvania are being dealt with procedurally. They are simply not being dealt with on votes of final passage.

It is our responsibility, Mr. President, to project to the people of this State that we cannot get public utility issues before them. We cannot get budgetary issues before them. We cannot get real estate tax issues before them. We cannot get community legal service issues before them because it is procedurally denied. I watch as people smugly vote with the Majority on the procedural vote and nobody back home understands that what really happened there was that these substantive issues were unable to be placed before this Body.

Mr. President, I think we have a responsibility now every time this happens to put this squarely in the public forum. I must admit it may be difficult because the latest move, Mr. President, seems to be to get this General Assembly out of Session so we cannot even in any way, shape or form possibly place before the people of Pennsylvania these issues which are so very critically important to them.

Does anybody in this building, for example, Mr. President, truly think that the rapid passage of the budget had anything

to do with the desire for good government, as opposed to a desire to limit the opportunity for a discussion on an ongoing basis through the months of May and June of the issues we have brought before us? We all know the answer to that, Mr. President.

Mr. President, my good friend, the gentleman from Chester, Senator Stauffer, who I have no doubt is sincere in his remarks, but is borderline laughable with the statement there is no attempt on the floor of this Senate to frustrate anyone in the Minority from participation in dealing with substantive issues like that of the utilities issue that the gentleman from Allegheny, Senator Bodack, attempted to bring up today.

Mr. President, then the focus is upon the dispute that breaks out regarding parliamentary procedure. What we have here is an emphasis on the manners of what we are dealing with rather than the morals. An emphasis on the way in which we are doing things rather than that which is the ultimate consequence.

Mr. President, I assure you the Minority in this Chamber has gone far enough with letting the people of Pennsylvania be deluded in not being aware that the substantive issues before this Senate, the substantive issues that face the people of this Commonwealth and literally affect their lives every day are being dealt with in procedural manners. Mr. President, I laud my colleagues who have brought attention to this. I assure the Members of this Chamber we shall do so on an ongoing basis. I assure the people in the public forum we shall no longer let major matters of substantive importance be decided procedurally without making sure the people of Pennsylvania are aware of it.

Senator BODACK. Mr. President, I do not care to prolong this discussion. I had already left the floor and I was in my office. I am glad to see the members of the press are still here. I would like to thank the gentleman from Chester, Senator Stauffer, for very astutely pointing out the fact that if the amendments which I wanted to present today had been presented on the floor, there certainly would have been Republican votes provided for passage of those amendments. I also thank the gentleman because he has just pointed out the very fact of why we are standing here for the last two hours debating legislative procedure and the legislative maneuvering which disallowed my introducing those amendments, because if they had been introduced as the gentleman from Chester, Senator Stauffer, put it, they certainly would have passed and the Republican leadership did not want to see that done.

Senator STAUFFER. Mr. President, I feel compelled to respond to the remarks of the gentleman from Philadelphia, Senator Lloyd, because I have a suspicion that there are times when there are those in our Body who would rather have the issue than the solution.

The gentleman from Philadelphia, Senator Lloyd, in his remarks referred to House Bill No. 1920 and the fact that that bill was put over on today's Calendar and indicated that by us doing that, that was an attempt to frustrate his opportunity to offer an amendment. I would submit, Mr. President, that as of this moment I have yet to see the amendment of the gentleman from Philadelphia, Senator Lloyd.

Checking with our legal counsel, he has not yet seen the amendment. As the gentleman well knows, it has not only been a practice but a courtesy that has been carried forth on both sides of the aisle that we have an opportunity to caucus on amendments which are going to be offered, and if amendments are not in our possession, we do not call up the bill but we hold it over in order to give the caucuses the opportunity to receive the amendments. I was aware when we came to the floor the gentleman from Philadelphia, Senator Lloyd, had indeed prepared an amendment or had one being prepared but as I say, we have not yet seen that amendment and, obviously, we could not deal with it. So, in truth, I think we did the gentleman a favor by putting that bill over because the bill still is on the Calendar where it would be available for him to offer his amendment when that bill is called up at a later date.

With regard to the real estate issue, Mr. President, the constitutional amendment, I would point out to the gentleman, that issue will be before the Senate for a vote next week and in a fashion which will move that issue much faster than would the bill he was referring to have done. I think the prime sponsor of the particular bill to which the gentleman is referring was, indeed, the gentleman from Philadelphia, Senator Fumo. By dealing with that issue in the Committee on Finance today as we have done and by amending that issue into a House bill, we have that bill in a position where it can be passed by both the Senate and the House next week before our summer recess and will have completed its first trip through the General Assembly—in fact, this may be the second trip—in fact, it is the second trip, I stand corrected on that—and the issue would be ready to go to the voters of the Commonwealth. Rather than stand here on the floor and engage in strong rhetoric ridiculing and criticizing the Majority for frustrating the attempts to move good legislation, I would submit that instead we have acted very responsibly and we have short-circuited the system so this issue which I agree with him is an important issue and one that should be addressed, can be taken to the voters of the Commonwealth much more speedily than would have been the case, otherwise.

Finally, Mr. President, I think I should remark that having served in the Minority for a good many years here, as well as in the Majority, obviously there is a certain feeling of personal frustration when we do not always get our way. I can remember when I first came to the General Assembly, it was in the House of Representatives, and a new Speaker was elected the same year I came to the House, and in his acceptance speech he smiled at the conclusion of his remarks and said, "The Minority will have its say, but the Majority will have its way." I have felt the frustration of only having my say and not having my way for many, many years in this General Assembly. I can appreciate that kind of feeling and I can appreciate the emotion it evokes.

Mr. President, we are a Body in which a majority rules. As we know, whatever twenty-six Members decide is the answer to an issue, is the answer that is adopted by the Senate at that time. Many times the twenty-six comes about as a result of the Majority banding together but many, many times that majority comes about as a result of a coalition of Members on both

sides of the aisle who agree on the particular solution to a problem.

Mr. President, I think that rather than debate and continue petitioning and remonstrating on the issue, I think we have to recognize that the Majority Party has a responsibility to govern and it is a good Majority Party that carries out that responsibility and gets the job done. The gentleman may have felt a lot better to be able to debate the budget, for example, all summer and perhaps all fall as has happened in some past years, and hope that he or his party might gain some political upmanship from doing that, but I think inwardly he has to say to himself, I have to pay tribute to those people, they had a job to do and they got the job done.

Mr. President, I submit that is what the people of Pennsylvania want to see us do, carry out the job to which we were elected. I think they applaud and recognize that as a Majority we did do the job we were elected to do and rather than stand here with any shame or to accept any kind of criticism for that, I stand here and claim a great success and point with great pride to the fact that we are getting the job done.

Senator ZEMPRELLI. Mr. President, I will yield to the gentleman from Philadelphia, Senator Lloyd.

Senator LLOYD. Mr. President, I shall be brief. However, in the interest of accuracy, there are some things that must be said.

The problem with debating with the Majority Whip, the gentleman from Chester, Senator Stauffer, is that the degree of sincerity that flows often clouds the issues. The point is, three hours ago in this Body, I stood at this microphone and asked if we could temporarily go over House Bill No. 1920 so the amendments would have time to be prepared and would have been able to be considered in due course of the day. Either the gentleman was not paying attention, was unaware or has inaccurately projected the events of the day.

Secondly, with regard to the real estate issue which he is so deeply concerned about the moral manner in which it has happened, let me assure him that in the process in that Committee on Finance today of that being streamlined, somehow it went from the Democratic sponsorship, the Democrat who had worked on it for two years, his name being on it, to Republican sponsorship. I am certain that did not have anything to do with the reason it is being handled in the manner it is.

Additionally, Mr. President, the gentleman says, and let me agree with him, the gentleman stands here and says he and those who have worked with him short-circuited the system today. Let me assure him I agree fully. Let me assure him I recognize the gentleman is the same person who last week stood on this floor and said the words to my absolute amazement, but everybody was too tired to challenge him on it at any great length, that the end justifies the means. Obviously, it does not. The gentleman then goes on to say the Majority will have their way, the Minority will have their say.

The reason for this whole discussion today, and this is what is truly frustrating, is the gentleman could have missed the point of two and a half hours of debate. The point, I must say to the gentleman, Mr. President, is the Minority and the constituency they feel they represent are not having their say on

substantive issues as a result of procedural votes. The Minority is not even having their say nor are their constituents in turn. That, Mr. President, is the problem. I certainly now defer to the Minority Leader.

Senator ZEMPRELLI. Mr. President, I assure you I also will be very brief. Hopefully, the fact that Zemprelli stands for "Z" that I might conclude today's services in a sense.

I have been sitting here trying to analyze all that has been said and I have enjoyed it in a sense, not because there were barbs at particular Members, I regret that if that is how it was perceived. However, I listened with some degree of interest to the Majority's position of the Majority will have its way and the Minority will have its say. That has been repeated many, many times, and I am a student of that philosophy. Having analyzed everything that has taken place in the last several hours and all of this debate, it sums up to this, Mr. President: The Minority does not feel it is having its say. That is the tragedy of everything that is being said and not being said. When the gentleman from Philadelphia, Senator Lloyd, alludes to the fact that the issues are one thing but the ability for the Minority to have those issues understood, portrayed and, at least, brought for debate, is one I think all of us need to search our conscience in the sense of what is a sense of decency in the conduct of these Chambers. I would hope we should always have our say whether we are in the Majority or in the Minority. I think the lessons from what has transpired here, and I say with all the sincerity in my heart, have been rewarding. I am very happy at the fact that a number of people have elected to stay and debate this particular issue and get it off our chests. Maybe we need to do a lot more of it in the interest of the Commonwealth of Pennsylvania. It has not been lost time. It has been rewarding.

Senator EARLY. Mr. President, I sat here and listened to this debate and I think this is tremendous. It gives us an opportunity to give out our frustrations on issues that rightly so we cannot express during the Session. I wish I would have thought of this sooner. I guess I hold the record as the individual who has been called out of order in this Senate.

I think it does give us an opportunity in that I must indicate to my good friend, the gentleman from Chester, Senator Stauffer, when he indicated that some of the amendments that were to be offered should be offered as a piece of legislation. He indicated the bill had to go to the Committee on Appropriations for a fiscal note. That is exactly right. Mr. President, what the gentleman from Chester, Senator Stauffer, and the Majority prevented us from doing is, one, some of the amendments probably needed a fiscal note. If the bill is going to the Committee on Appropriations, why not send it to the Committee on Appropriations after we debate the amendments because if amendments would pass, that bill would have to go to the Committee on Appropriations with the amendments in it to get a fiscal note.

What the Majority did today was to prevent us from having that right. My good friend, the gentleman from Chester, Senator Stauffer, had indicated that the amendments should be done as a piece of legislation, introduced as a bill. Mr. President, the gentleman prevented us from making that deci-

sion. Perhaps we would say, yes, this particular amendment should have more study, it should be done with a piece of legislation. But with the maneuver, and it is a maneuver, it is not the first time this has been done and with a great deal of sincerity, Mr. President, the gentleman had sort of convinced and tried to convince that this maneuver was done legitimately; that it was not done to prevent the gentleman from Allegheny, Senator Bodack, from offering amendments, because this has happened time and time again. In fact, there are no more bills coming out of committee that deal with welfare.

I have stood on this floor and I have attempted to amend welfare bills because I was prevented from doing that, legitimately prevented from doing that. When you say with sincerity that what we were doing was not a maneuver to prevent the Members from taking a stand on the amendments of the gentleman from Allegheny, Senator Bodack, you have done this more than once. You have not done it just to me, you have not done it just to the gentleman from Allegheny, Senator Bodack, but you have religiously done this.

When you indicate, Senator—Mr. President, during remonstrances, are the Rules different, am I permitted to talk to another Member during this informal type of debate?

The PRESIDENT pro tempore. I am afraid, Senator, the Rules do require that you go through the Chair.

Senator EARLY. As the gentleman said, Mr. President, they are in the Majority, they have their way. At least give us our say.

Let me make another point, Mr. President. Today I was a little frustrated, and the gentleman from Chester, Senator Stauffer, and I have had a private, very gentleman-like, I do not want to use the word discussion, but we have had some negotiations as to which one of us has pushed harder to eliminate property tax, and when his side is in the Majority, he has been pushing the longest, and when our side is in the Majority, I guess I have been pushing the longest.

Something happened today that illustrates exactly why we are venting our frustrations. I do not think anybody in this Senate can dispute the fact that I have been trying harder than anyone to eliminate drunken drivers from our highways. Mr. President, maybe the gentleman from Chester, Senator Stauffer, and I would dispute as to which one of us has tried to eliminate the property tax, but I know of no one who has tried to eliminate drunken drivers on our highways more than I have. One of the first bills I introduced was in 1971, and I guess I am the champion of that. For the last six months, the Governor was kind enough to put me on his task force to discuss, debate and come up with legislation.

Today I was handed the bill from a staff person and said here, would you like to sign this, and the space that was open to me was the number two spot. My good friend, the gentleman from Northumberland, Senator Helfrick, happened to be on the number one spot. The Majority does have its way: I was further humiliated when I said the gentleman from Northumberland, Senator Helfrick, really did not attend the meetings of the Governor's task force. The staff person informed me, yes, but I did. So I had to step back and take the

second spot. The gentleman also informed me I could have the bill to get some sponsors but I had to return it to him. Again, a staff person.

Yes, Mr. President, this is frustrating, this is extremely frustrating, but today I bit my tongue and said nothing and I did what the staff person instructed me to do. It is times like this, and as I say, I never knew this was available to us and we are going to have to use this more often because it does give us an opportunity to say what we cannot say on the floor.

Mr. President, I will close, and I will close by saying that I will probably do this a lot more because this will give the Minority who does not have its way, but we are certainly going to use this to have our say.

The PRESIDENT pro tempore. The Chair, as a point of information reminds Senator Early there is a song which says, I think it goes, "Why don't we do this more often, just what we're doing tonight."

Senator FUMO. Mr. President, I will be very brief. I just want to beg forgiveness of the Majority of the indiscretion of my colleague, the gentleman from Philadelphia, Senator Lloyd. I do not care how the bill gets passed, just pass it. I do not want to have people starting this again. On that I would beg forgiveness of the indiscretion of the gentleman from Philadelphia, Senator Lloyd. I am very grateful to the Majority and through the efforts of the gentleman from Bucks, Senator Howard, to amend the House Bill and send it over there because I think that is an important piece of legislation for the citizens of this Commonwealth. I do not want to get it bogged down somewhere else.

Senator HOLL. Mr. President, I can excuse the gentleman from Philadelphia, Senator Lloyd, for some of his statements because he has not been in the Chamber long enough to remember when Lieutenant Governor Kline was the Presiding Officer and before that when he was the Majority Leader. Because the practices that were adhered to at that time within the Rules of the Senate, I hasten to add, were exactly what we are experiencing here. I cannot excuse the gentleman from Allegheny, Senator Zemprelli, because he was here and he knows, if he looks at the record, he will find it is replete with examples of actions which are exactly what happened. We were frustrated, too. Obviously, the Minority Party has not adjusted to the change.

Senator STAUFFER. Mr. President, is the desk clear?

The PRESIDENT pro tempore. The desk is not clear.

Senator STAUFFER. Before you clear the desk, I want to make one very brief comment. I was going to make a brief comment and move for adjournment, but since we have a little bit more to do, I just want to make one very brief comment in response to the gentleman from Allegheny, Senator Early, and that is perhaps it is healthy in the history of government that the Majority does switch from one party to the other periodically. I would hope it would stay with us a little longer than it has, but I spent ten years here in the Senate when I could not get a bill out of committee. I could not get anything. I think what we are really saying is that some of the things the gentleman may be accusing us of as a Majority were the lessons we learned from the Minority when they were in the Majority of the Senate.

Senator EARLY. Mr. President, I have to take exception to that. I did have a time in the Senate when we were the Majority. At the time I was chairman of a committee called Constitutional Changes and Federal Relations. I want to tell the gentleman that every bill that came there, and there were not a great deal of them, but every bill that came to my committee, regardless of the sponsorship, was called up for a vote. In fact, I got myself in trouble from a few individuals who liked to introduce bills to send out press releases with the idea that that bill was never going to be discussed. When that bill came to my committee, Mr. President, they were disappointed because every bill that came to my committee, regardless of the sponsorship—I was told by my good friend, the gentleman from Dauphin, Senator Gekas, that any bills I sponsor that come to his committee, he is going to go out of his way to be fair. He is the only Republican who has come to me and indicated that to me. What the gentleman has indicated, Mr. President, I cannot speak for the rest of my colleagues who were chairmen of other committees at that time, but, personally, I take exception to it because it was not true in any way, shape or form to a bill that came to the committee when I was the chairman.

Senator FUMO. Mr. President, just to add to that, regardless of what the history may have been, I would hope in the future we can go forward from that. I can recall discussions in our caucus when the issue was not even whether or not a Republican bill was coming out or not, but it was whether or not a House bill was coming out because there were Senate bills being held in House committees. I would hope, regardless of the actions of the past, that we would go forward. I believe I have heard it said many, many times, that the Republicans got into the Majority because they criticized those actions in the past. I would hope, then, having succeeded in that, they would not perpetuate the wrongs that happened before. There are many things that happened. I am sure if, as the gentleman from Montgomery, Senator Holl, said, many of the tactics that are being displayed today by the Majority were learned from the Democrats when we were in the Majority. I am sure if we brought back some of those people, they are going to tell us they learned them when the Republicans were in the Majority.

Hopefully, at this point in time we can go forward. I have never, ever considered a bill because of sponsorship. I have always thought that was in poor taste. I admit I have been frustrated by the House when we were both in the Majority, when they would hold bills and we would hold bills. I thought that was immature. I would hope perhaps if nothing else comes out of this debate today, perhaps we can move forward and do away with the nonsense of whose name is on a piece of legislation, whether or not it should move.

I think the important thing for this Senate to do is to be a deliberative Body and when one comes up with an idea regardless of who he is or where he is from, that idea should be voted upon and if it is good, it should be passed. We are really not fooling anyone. People whose ideas have been known to the media are going to get the credit regardless of whose name is on a piece of legislation. I think it just

cheapens the process when we play that game. It cheapens even more the individuals that play the game. If nothing else comes out of this debate, perhaps we could go forward in the spirit of reform to prevent that from happening in the future.

Senator HOLL. Mr. President, I, too, feel that today's debate is good and I generally do not get up to the microphone and carry on. I would like to tell the gentleman from Allegheny, Senator Early, Mr. President, and the gentleman from Allegheny, Senator Zemprelli, that one of the first bills the Committee on Banking and Insurance reported this year was the bill of the gentleman from Lehigh, Senator Messinger, on the SEC. Another important bill was the bill of the gentleman from Allegheny, Senator Zemprelli, from the Committee on Banking and Insurance, which he sponsored. I think the record will show three, four, five or six of their bills, that is the Minority bills, were reported out and, therefore, we do exactly what you said and the gentleman from Allegheny, Senator Early, asked us to do.

Senator MELLOW. Mr. President, I was not going to get myself involved in the debate this evening, but for the better part of the last hour I was sitting in the office of the gentleman from Luzerne, Senator Murray, and with the gentleman from Allegheny, Senator Romanelli, and we were trying to the best of our abilities to follow the debate on exactly how the debate was unfolding.

Mr. President, there were many thoughts that were in my mind as I was trying to follow and to comprehend the subject matter that was being covered because I think each speech in its own right basically stood for something on behalf of both the Majority and the Minority. As I have had an opportunity of being in this Body for twelve years, or in my twelfth year, ten out of those twelve years I had the opportunity to serve as a Member of the Majority and for the past basically year and a half, I have had the opportunity of spending that particular time as a Member of the Minority.

Mr. President, I am the first to express my feelings that there were some great frustrations as far as being a Member of the Minority. But, I can say, Mr. President, because I have had an opportunity of serving in the Majority, during the ten years we did control the Senate, in some cases with just twenty-five votes; I do not believe under any circumstance, Mr. President, that we invoked any kind of a rule which would shut off debate other than a parliamentary move of moving the previous question. I believe, in fact, we did that probably on our own floor leader. I think, Mr. President, what has taken place, especially during the past year of this particular Session to me is very, very frustrating. I just heard the gentleman from Montgomery, Senator Holl, talk about the fact that the first couple bills that he reported from the Committee on Banking and Insurance were bills that the gentleman from Allegheny, Senator Zemprelli, was interested in and bills that the gentleman from Lehigh, Senator Messinger, was interested in.

Mr. President, that, as far as I am concerned, takes me back to January of 1981, which, in fact, brings up another sore topic and that is the fact we have taken two very important committees, the Committee on Banking and the Commit-

tee on Insurance, two committees which in many, many cases, Mr. President, are totally opposite from one another, and under your direction as President pro tempore of the Senate, they were consolidated into one committee, for what particular purpose I do not know because I believe the insurance people need their own voice and I think the banking interests need their own voice.

It was brought to my attention, Mr. President, that after I introduced an amendment on the floor here in this Senate to amend the Rules which would have established a freestanding insurance committee, some people who represent the insurance industry were admonished by you particularly, at least that is what they told me, because they lend their support to the position of the Minority to try and establish a separate committee on insurance, when, in fact, there should have only been one, a Committee on Banking and Insurance as far as the Majority was concerned.

Mr. President, the litany goes on and on and I know there are a number of proposals that I personally have introduced. Those particular proposals, Mr. President, which I feel were totally worthwhile proposals, the leadership and the sponsorship of those proposals has been taken by Members of the Majority, those have either been reintroduced or amendments have been established under their particular name so as to deny us the sponsorship of some good meaningful legislation. I can recall back in 1980 when we developed a position in this particular Senate in dealing with corporate taxes which would allow corporations to carry forward for three years a particular loss in business which heretofore they could not carry forward. The gentleman from Luzerne, Senator O'Connell, and I had worked on that proposal for several months receiving a lot of input from the Department of Revenue. The gentleman from Luzerne, Senator O'Connell, asked me, "Would you mind if I am the prime sponsor of this amendment?" We did not put politics ahead of it, Majority versus the Minority on something that was so very vitally important, and the gentleman from Luzerne, Senator O'Connell, was able to act as the prime sponsor of that particular amendment.

Mr. President, we can go on and on and perhaps what took place today is good for this Body. Perhaps what took place today is good for all fifty Members of this Senate and maybe, most importantly, what took place is good for the members of the news media because I cannot recall over the past eighteen months at all reading anything in any of our major newspapers or the two wire services, under any circumstances did they criticize the action of the Senate. Under no circumstances whatsoever, Mr. President, have they ever, to the best of my knowledge, pointed out in the news media where debate has been cut off or various types of parliamentary procedures have been used by the Majority that would preclude us from offering good, meaningful amendments when the voice of the Minority could be heard.

As I said, Mr. President, perhaps the discussion that has taken place on this floor here this evening at 7:45 p.m. on a Wednesday night, maybe it is good, because perhaps the next time the Majority Party is sitting in their caucus room downstairs and they say let us railroad something through, as I have

heard the gentleman from Montgomery, Senator Tilghman, say so many times over on the other side, "We have the votes, let us run it." Before that attitude, Mr. President, is continued, perhaps they will look at the debate that has taken place here this evening and say there is a right of the Minority, we did serve there for ten years. In most cases, we were given the opportunity to offer amendments. Not necessarily were those amendments accepted, but were they not cut off as far as being offered as amendments? The gentleman from Lycoming, Senator Hager, our very distinguished President pro tempore, he, probably as much as anyone, realizes from the fact when he was Minority Leader how he tried to gain every possible political advantage on every piece of legislation that hit this floor of the Senate and how he tried to put Members of this Senate on the spot and I complimented him for that, because that was his job in trying to advance the position of the Minority to gain every possible advantage that he could to be sure that his party in the next election might just receive that one additional vote that would take him from the Minority and put him into the Majority. Basically, Mr. President, that was the job that you were supposed to do. You were elected to that by the Members of your caucus. Because of that and because you have had that opportunity and because you serve as President pro tempore of the Senate, elected by all fifty Members of the Senate, and I can remember so vividly that day in January when you took your oath of office and you proclaimed that you were going to be a President pro tempore and represent the needs of all Members of the Senate. I think you should use the influence of the position and the seniority that you hold to try to inform the Majority that there is a position and a right of the Minority, that you have to give them an opportunity to express their viewpoint. You cannot necessarily go ahead and ramrod a budget through such as was ramrodded in this Body just several weeks ago. Not giving people an opportunity to express their opinions, not giving people the opportunity to offer amendments on this floor, not giving people the opportunity to express their viewpoint publicly in the form which we have all been elected to do.

Mr. President, I think the legacy that you should have as being President pro tempore of the Senate through the remainder of this particular term is one that you should serve as a conciliatory individual, trying to develop as much bipartisanship as you can and not to be partisan under any circumstances, unless it comes right down to the philosophical differences between the Democratic Party and the party you represent. But I think when it comes to giving them the right of the Minority, it is to give the Minority an opportunity to speak and to freely express their viewpoints, I think it is incumbent upon the office of the President pro tempore to make absolutely certain that happens.

I do not care who the Governor is come 1983 with regard to what we are discussing today, but I think it would be an absolute shame, and my words may come back to haunt me next year, but what I am saying here tonight, I feel it is an absolute shame if we allow another budget to pass this General Assembly not representing the viewpoints and the feelings of twelve

million people, representing the viewpoints and the feelings of those who are suffering from mental health and mental retardation, those who are suffering from cerebral palsy, those who are suffering from the very desperate social needs and must be taken care of. Our indigent people, our people who need a public education, those in this Commonwealth who do not have the benefit of attending a private school, I think we have to give the voice of these individuals an opportunity to be heard on this floor. If we have to go through the so-called charade of twenty-five or thirty, or forty amendments to discuss a budget, then basically, Mr. President, that is what we are here to do. We are here to work, we are here to represent the viewpoints of our people in a bipartisan vein if that is possible, and that our philosophical viewpoints should only take place on certain areas. In the area it should not take place is openness and accountability, but we should give each and every Member an opportunity to express themselves on very vital, very important legislation, even if it means expressing themselves in a political vein, even if it means spending an extra hour in this Body so that the Reference Bureau can prepare amendments so we can add them to very vitally, very needed legislation.

Mr. President, as I said before I think this is good debate that has taken place today. This is the kind of discussion that perhaps should happen more often in this Body because hopefully from every experience a lesson will be learned. Hopefully from the experience and the frustration that was exhibited by the gentleman from Philadelphia, Senator Fumo, today, not only during the Petitions and Remonstrances of just an hour or so ago, but also during the roll call and during the debate of that very important bill, Senate Bill No. 1364, those kinds of frustrations should not take place here in the Senate. We should never, in my opinion, and I am speaking as one individual, have a microphone turned off to any Member of the Senate, regardless of what political party they represent or regardless of what viewpoint they are trying to project, because each and every one of us represents approximately 235,000 people and the viewpoints and the feelings of those people must be heard in this Body and we cannot, under any circumstance, try to muzzle anyone or try to cut debate on very vital issues.

Mr. President, basically, in conclusion, I am going to be a bit redundant, but I think we should learn a lesson from today and I think we have to remember that there is a voice of the Minority, that, oh yes, if the Majority is right they will prevail. Basically the acid test of a political party is not to get elected but is to govern and if, in fact, the Majority Party can prevail and they are representing the majority of the people who do not live in this ivory tower that we are in but basically are out of this area and are in touch with reality. The fourteen per cent in the northeastern part of this State that today are unemployed, the graduating class of 1982, whether it be from a high school or from a college, to the individuals who cannot get jobs, we have to reflect their viewpoint, we have to express their feelings on this floor of the Senate and not necessarily the feelings of a few and the feelings of the people with a vested interest.

Senator HOLL. Mr. President, like the gentleman from Lackawanna, Senator Mellow, I truly hope that the Members of the Senate have learned something from tonight's debate. I hope they have learned that they must follow the Rules because all the problems, in my opinion, started when there were those who were ruled out of order for whatever reason and could not accept it. I think the image of the Senate, as I said earlier, is demeaned when we do not obey the Rules. There is no way this Body can do constructive work if fifteen people are shouting at open microphones. Unless the Rules are followed and we adhere to those Rules, we are going to continue to have chaos and trouble. Therefore, Mr. President, I do not think we should criticize anyone today except to say I hope we have learned a lesson.

I would like to, Mr. President, address the statement made by the gentleman from Lackawanna, Senator Mellow, with reference to the Committee on Banking and Insurance. I would invite the gentleman to look at the tabulation I have on all of the bills. We have reported more than 90 per cent of all our bills. We have had regular meetings and many of the bills have been passed into law. We have not considered any of those items on a partisan basis. I think the Members of that committee on the Minority side will tell the gentleman from Lackawanna, Senator Mellow, that it is one of the best run committees in the Senate today. We can ask the gentleman from Lehigh, Senator Messinger, or any of the others, and I do not like to be criticized since it was not my decision, Mr. President, to combine those two units and make one committee. I took it and I tried my best and I feel we have done an excellent job for the industries, both banking and insurance. I would like to know where the specific criticism is, if there is any, on that committee's operation, the legislation or the way we have treated the Minority Members.

Senator MELLOW. Mr. President, it was not my intention under any circumstances to have the gentleman from Montgomery, Senator Holl, take anything personal because perhaps the criticism is not directed mainly at the gentleman from Montgomery, Senator Holl. The gentleman happens to serve as the chairperson of the Committee on Banking and Insurance. But I have heard a lot of criticism from people representing both the banking industry separate and the insurance industry separate and not on the gentleman as an individual and not in the manner in which he has conducted himself as chairman of the Committee on Banking and Insurance, but on the fact that these people feel that those two particular industries are so vitally important to the development of Pennsylvania, the banking industry and the insurance industry, that they should be represented in this particular Body, in the Senate of Pennsylvania. They should have their own representation because the interests on both committees are quite diverse and in many cases, Mr. President, the interest that both the banking industry would have and the insurance industry would have on this same particular piece of legislation, may be diametrically opposed to one another. It is not a criticism that is meant to the gentleman from Montgomery, Senator Holl. If he did take it that way, I apologize to the gentleman because it was not meant that way. My criticism is

meant on the manner in which this Senate has been structured. Back in January of 1981, two very important, very vital industries, the banking industry and the insurance industry both have been shortchanged by consolidation into one particular committee.

I have had an opportunity of serving as the vice chairman of the Committee on Insurance and Banking for the entire ten years when the party that I represent served in the Majority. I have a little bit of expertise, I feel, in the insurance industry, but because of the opportunity given for Members to serve on the Committee on Banking and Insurance, a combination new committee, I did not have an opportunity to use any expertise that I may have in the insurance industry or dealing with the insurance industry to serve on that particular committee. I think, Mr. President, if we look at that with the fifty Members of this Senate, we can reflect that in the myriad type over and over and over. Once again, my criticism under no circumstance was meant at the gentleman from Montgomery, Senator Holl, as an individual. I think he has done a good job, an outstanding job in a very difficult situation. My criticism, Mr. President, is meant at the fact that we do not have two standing committees, a committee representing the banking industry and a committee representing the insurance industry.

Senator HOLL. Mr. President, I did not take the remarks of the gentleman from Lackawanna, Senator Mellow, as being personal. I regret it if he interpreted my remarks as meaning that. However, I would like to say this to the gentleman. We have been able this year to pass through that committee major banking legislation, major insurance legislation which has been lingering in these halls for many years. The banking industry is very pleased and happy with it and so is the insurance industry. I will challenge the gentleman from Lackawanna, Senator Mellow, now, to give me any insurance or banking person or institution which is critical of that committee arrangement. I have heard only on this floor from the gentleman from Lackawanna, Senator Mellow, about that fact. I have not been so advised by any banking interest or insurance companies or any of their associations.

Therefore, Mr. President, for the record I pose a challenge to the gentleman from Lackawanna, Senator Mellow. I would like to know where these people are and what their criticism is. We have had absolutely no conflicts in any legislation as has been portrayed by the gentleman from Lackawanna, Senator Mellow, we have had no bills that conflict between the insurance industry and between the banking industry. We have had none. I would like to know where this dissatisfaction is because it has not surfaced. I would appreciate hearing about it.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 7, 1982

| | | |
|------------|---|---|
| 11:00 A.M. | LABOR AND INDUSTRY (to consider the nominations of Edward T. Bresnan and James W. Knepper, Jr. to the Labor Relations Board) | Room 460, 4th Floor Conference Rm., North Wing |
| 12:30 P.M. | URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1222 and House Bill No. 2420) | Senate Majority Caucus Room |
| 1:00 P.M. | TRANSPORTATION (to consider Senate Bill No. 1497) | Room 459, 4th Floor Conference Rm., North Wing |
| 1:30 P.M. | LAW AND JUSTICE (to consider House Bills No. 118, 1734 and 2088) | Room 460, 4th Floor Conference Rm., North Wing |

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Thursday, June 3, 1982, at 9:30 a.m., Eastern Daylight Saving Time.

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

Senator ZEMPRELLI. Mr. President, I request a roll call vote, please.

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

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

YEAS—13

| | | | |
|--------|-----------|-----------|----------|
| Corman | Hopper | O'Connell | Snyder |
| Hager | Jubelirer | Pecora | Stauffer |
| Hess | Loeper | Rhoades | Tilghman |
| Holl | | | |

NAYS—12

| | | | |
|--------|---------|-----------|-----------|
| Bodack | Hankins | Mellow | Ross |
| Early | Lincoln | Murray | Singel |
| Fumo | Lloyd | Romanelli | Zemprelli |

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

The Senate adjourned at 8:35 p.m., Eastern Daylight Saving Time.