

Legislative Journal

FRIDAY, JUNE 29, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 50

SENATE

FRIDAY, June 29, 1984.

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

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

PRAYER

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

O Lord, our God, in the midst of committee meetings, conferences and caucuses, we pause at this moment to offer our prayers of thanksgiving and praise.

We ask that Your presence be recognized and manifested among the Members of this Senate Body as they consider and wrestle with the multitude of issues before them.

Grant them strength and wisdom for their work, and a commitment to reach concurrence on specific matters for the general well-being of all people and the common good of our state. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 28, 1984.

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

LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request a legislative leave for Senator Street who is conducting hearings on Senate Bill No. 1455 in Philadelphia.

Senator SCANLON. Mr. President, I request a legislative leave for today for Senator Bodack who is meeting with constituents in his office in Pittsburgh and Senator Lynch who is meeting with constituents in Philadelphia.

The PRESIDENT pro tempore. Is there objection to the granting of legislative leaves for Senators Street, Bodack, and Lynch? The Chair hears none and those leaves will be granted.

LEAVES OF ABSENCE

Senator MOORE asked and obtained leave of absence for Senator JUBELIRER and Senator HOPPER, for a portion of today's Session, for personal reasons.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 299, 1289** and **1414**, with the information that the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1340**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will be placed on the Calendar.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 88, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 88**, and has appointed Messrs. RAPPAPORT, SWEET and RYAN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 2052, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 2052**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2053, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2053**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2054, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2054**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2055, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2055**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2056, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2056**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2059, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2059**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2074, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2074**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2082, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2082**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2088, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 2088**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**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:

Senate Concurrent Resolution No. 136.

**GENERAL COMMUNICATION
RESOLUTION INTRODUCED AND REFERRED**

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

June 29, 1984

**REQUESTING THE PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION TO
DEVELOP A PLAN FOR DISTRIBUTING
ROAD MAINTENANCE FUNDS BASED ON
THE NEW PAVEMENT MANAGEMENT
SYSTEM BY FEBRUARY, 1985**

Senators RHOADES, HELFRICK, O'CONNELL, SHAFFER and PECORA offered the following resolution (**Senate Resolution No. 141**), which was read and referred to the Committee on Transportation:

In the Senate, June 29, 1984.

A RESOLUTION

Requesting the Pennsylvania Department of Transportation to develop a plan for distributing road maintenance funds based on the new pavement management system by February, 1985.

WHEREAS, The Pennsylvania Department of Transportation's highest priority must be maintenance of its roadway system; and

WHEREAS, There appear to be inequalities in the current county maintenance fund allocation system; and

WHEREAS, The Pennsylvania Department of Transportation is currently collecting data for a new and more equitable pavement management system; therefore be it

RESOLVED, That the Senate requests that the Pennsylvania Department of Transportation develop a plan for distributing maintenance funds based on this new pavement management system by February, 1985; and be it further

RESOLVED, That a copy of this resolution be transmitted to Governor Dick Thornburgh, and to the Secretary of Transportation, Thomas D. Larson.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 2082**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 2082.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 2074**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 2074.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 2059**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 2059.

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

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 299, 1289 and 1414.

**REPORTS OF COMMITTEES OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator SNYDER submitted the Report of Committee of Conference on **HB 88**, which was laid on the table.

Senator HOWARD submitted the Report of Committee of Conference on **HB 2114**, which was laid on the table.

Senator TILGHMAN submitted the Reports of Committees of Conference on **HB 2052, 2053, 2054, 2055, 2056, 2059, 2074 and 2082**, which were laid on the table.

LEGISLATIVE LEAVE

Senator MOORE. Mr. President, I request a temporary Capitol leave of absence for Senator Kusse who is attending a meeting with the Secretary of the Department of Aging.

The PRESIDENT pro tempore. Is there objection to a temporary Capitol leave for Senator Kusse? The Chair hears none and that leave is granted.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator STAUFFER submitted the Report of Committee of Conference on **HB 690**, which was laid on the table.

CALENDAR

SPECIAL ORDER OF BUSINESS

**HOUSE CONCURRENT RESOLUTION
NO. 250, CALLED UP OUT OF ORDER**

Senator MOORE, without objection, called up out of order from page 8 of the Calendar, as a Special Order of Business, **House Concurrent Resolution No. 250**, entitled:

Recognizing the acceptance of a gift of land from E. I. DuPont de Nemours and Company along White Clay Creek in Chester County, Pennsylvania, for use as a park in concert with the State of Delaware accepting a similar gift in New Castle County, Delaware; and further supporting a bistate advisory body.

On the question,
Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 250**

Senator MOORE. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 250.

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

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

YEAS—46

Andrezeski	Hess	Moore	Shumaker
Bell	Holl	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Kelley	O'Pake	Stapleton
Corman	Kratzer	Pecora	Stauffer
Early	Kusse	Reibman	Stout
Fisher	Lewis	Rhoades	Street
Fumo	Lincoln	Rocks	Tilghman
Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Scanlon	Williams
Hankins	Lynch	Shaffer	Wilt
Helfrick	Mellow		

NAYS—0

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

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

RECESS

Senator MOORE. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus which will be announced by the Chair.

Senator LEWIS. Mr. President, the Democratic caucus would like to meet at this time as well, if we may.

The PRESIDENT pro tempore. For the purpose of a Republican caucus which will take place when announced, and for the purpose of a Democratic caucus which will take place immediately, the Senate is now in recess.

AFTER RECESS

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

HOUSE MESSAGES

**HOUSE ADOPTS REPORTS OF COMMITTEES
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 88, 690, 2110 and 2114**, which were placed on the Calendar.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 167**.

**GENERAL COMMUNICATIONS
BILLS INTRODUCED AND REFERRED**

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

June 29, 1984

Senators MUSTO, HANKINS, MELLOW, BODACK, ANDREZESKI, WILLIAMS and SINGEL presented to the Chair **SB 1477**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," making it unlawful to store, dispose of or process certain low-level radioactive waste for a certain period of time.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 29, 1984.

Senators KRATZER and EARLY presented to the Chair **SB 1478**, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," further providing for the payment of taxes by installments.

Which was committed to the Committee on FINANCE, June 29, 1984.

Senators LYNCH and HANKINS presented to the Chair **SB 1479**, entitled:

An Act declaring and adopting the song "Pennsylvania," by James E. Myers and Edward Gallagher as the State song of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 29, 1984.

**A STUDY OF ACT 75
THE IMPACT OF WELFARE REFORM**

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
P. O. Box 2675
Harrisburg, Pennsylvania 17105

June 29, 1984

Honorable Henry G. Hager
President Pro Tempore
Room 292 C, Main Capitol Building
Harrisburg, Pennsylvania

Dear Senator Hager:

The attached report is submitted in compliance with Section 24 of Act 75, 1982, which directed that the economic and social impact of reduced cash assistance eligibility for the transitionally needy be evaluated.

This comprehensive study was carried out by the Department of Public Welfare and the Office of the Budget with careful adherence to accepted statistical methods. It focuses on the changes in economic and social circumstances before and after reduction of cash benefits to a group of transitionally needy individuals. The group was randomly selected from the population of transitionally needy. Extensive data were gathered on each individual's social and economic circumstances, employing both administrative records and in-person interviews. These data were then analyzed using scientific, statistical methods to identify significant changes.

The report shows that Act 75 allowed the Commonwealth to redirect its General Assistance resources to areas of greatest need while not creating serious problems for those whose benefits were reduced. As cash assistance ceased, the transitionally needy group increased its search for jobs, and many found employment, with average earnings exceeding the value of foregone cash assistance. Consequently, the majority of the group chose not to return to the cash assistance rolls when they again became eligible to do so in 1984.

I hope you will find this report useful in clarifying the issues regarding the effects of Act 75.

Sincerely,

WALTER W. COHEN
Secretary of Public Welfare

ROBERT A. BITTENBENDER
Secretary of the Budget

The PRESIDENT pro tempore. This report will be filed in the Library.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Senator Kusse has also returned from his temporary leave and I would ask that it also be cancelled.

The PRESIDENT pro tempore. Senator Kusse's leave is cancelled and so is yours, Senator.

CONSIDERATION OF CALENDAR RESUMED

SPECIAL ORDER OF BUSINESS

SB 1083 CALLED UP OUT OF ORDER

SB 1083 (Pr. No. 2204) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1083 (Pr. No. 2204) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for interference with custody of children.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1083.

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—47

Andrezeski	Hess	Moore	Singel
Bell	Holl	Musto	Snyder
Bodack	Jubelirer	O'Connell	Stapleton
Brightbill	Kelley	O'Pake	Stauffer
Corman	Kratzer	Pecora	Stout
Early	Kusse	Reibman	Street
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Lloyd	Romanelli	Williams
Hager	Loeper	Scanlon	Wilt
Hankins	Lynch	Shaffer	Zemprelli
Helfrick	Mellow	Shumaker	

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.

HB 1310 CALLED UP OUT OF ORDER

HB 1310 (Pr. No. 3389) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND FINAL PASSAGE

HB 1310 (Pr. No. 3389) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the rate of taxation imposed on personal income; further providing for a reduction in the rate of corporate net income tax, credits and interest on underpayments and payment of interest, additions and penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I move that House Bill No. 1310 revert to the form it was in under Printer's No. 3333.

On the question,

Will the Senate agree to the motion?

Senator TILGHMAN. Mr. President, I would like to take a couple of seconds, if I can, to explain the reason for my negative vote on the motion to revert. Last night the Senate went one-third of the way toward giving the people in Pennsylvania a reduction in their personal income tax. Some members of the business community have been telephoning certain Members of our caucus wondering why we took out the corporate net income tax and inserted a personal income tax in its

place. That did not happen last night. House Bill No. 1310, if you look at it in its present form, has two reductions in taxes, one in the corporate net income tax and one in the personal income tax. I believe, personally, that some of those telephone calls were caused by certain groups of people located across the street in Harrisburg. I think they did a disservice to themselves. They did a disservice to the industrial people in Pennsylvania who they caused to make these telephone calls. I do not know whether this organization misled their members on purpose or not, but it certainly appears to me that they did. I think they should be reprimanded for this. I think if they are going to talk to members of their organization, they should get the facts in order and they should tell their members the correct story. I will not go so far as to say they misled their members, but they came pretty close to that, and for that they should apologize to their entire membership. I do not know if any Members of the other caucus received such telephone calls. I did not get any telephone calls like that.

Last night the public won a victory. They received a small reduction in the personal income tax by way of saying, "Thank you for paying so much into the coffers of the Commonwealth of Pennsylvania." We have a Governor who declared he was going to get approximately \$550 million additional income next year. Generally speaking, within a year the corporate net income tax amounts to \$100 million, so you would take that down to \$400 million from the \$100 million reduction. He chose in his way to spend every single penny of that and not give the public a break. I think it is unfortunate.

I cannot personally vote to revert to the prior printer's number because I feel in my heart that if I do that, I am today saying to the people, "I am going to raise your income tax over what we did yesterday." I consider a reversion, as far as I am concerned and I do not speak for other people, an increase over the action we took last night, and I am not going to sit here and do it. I think the front office should give the public a break in Pennsylvania and I hereby challenge them to do it.

Senator PECORA. Mr. President, I wish to oppose the motion to revert to the prior printer's number because by doing so the taxpayers of this great Commonwealth would lose the personal income tax decrease voted by this Senate yesterday. It is very ironic that we can pass legislation to give a one percent corporate tax decrease, but we cannot support a small decrease to help the poor working people of this Commonwealth. I want my opposition on record. I feel this is just as the gentleman from Montgomery, Senator Tilghman, has stated, from yesterday to today, a tax increase. We are putting our hands in the pockets of the taxpayers and it is a disgrace that this Senate does so.

Senator BELL. Mr. President, I presume we are going to lose this battle but I am serving notice on the Administration that this is only one battle in a war. I, as one, and others in this Chamber on both sides of the aisle, will be watching very carefully the revenues that come into the Department of Revenue. There can be other days and other times because it is my understanding we can adopt a bill any time during the calendar year and make it retroactive not only to increase taxes but to decrease them.

As I said last night, I think this is only the second time I have seen a tax decrease almost go through. The other time it did go through.

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

SON OF SENATOR STEWART J. GREENLEAF PRESENTED TO SENATE

The PRESIDENT pro tempore. While we are at ease, I want to take the privilege of introducing to the Senate another special guest. This is Stewart Greenleaf, Jr.

(Applause.)

The PRESIDENT pro tempore. The Chair thanks the Members of the Senate.

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

The PRESIDENT pro tempore. The Senate has before it House Bill No. 1310, Printer's No. 3333.

On the question,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—47

Andrezeski	Hess	Moore	Singel
Bell	Holl	Musto	Snyder
Bodack	Jubelirer	O'Connell	Stapleton
Brightbill	Kelley	O'Pake	Stauffer
Corman	Kratzer	Pecora	Stout
Early	Kusse	Reibman	Street
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Lloyd	Romanelli	Williams
Hager	Loeper	Scanlon	Wilt
Hankins	Lynch	Shaffer	Zemprélli
Helfrick	Mellow	Shumaker	

NAYS—0

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

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

PERMISSION TO ADDRESS SENATE

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

Senator HELFRICK. Mr. President, I would like the record to show on the previous motion that had we had a roll call vote, I would have voted in the negative on the motion to revert.

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

LEAVE OF ABSENCE

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

**CONSIDERATION OF CALENDAR RESUMED
SPECIAL ORDER OF BUSINESS**

SB 853 CALLED UP OUT OF ORDER

SB 853 (Pr. No. 2190) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER, as a Special Order of Business.

SENATE AMENDS HOUSE AMENDMENTS

SB 853 (Pr. No. 2190) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victims' Compensation Fund; changing provisions relating to the rights of victims of crime; making an editorial change; and making an appropriation.

MOTION TO SUSPEND RULES

Senator JUBELIRER. Mr. President, I move that we suspend the Rules in order that I might be permitted the opportunity to amend House amendments.

The PRESIDENT pro tempore. Senator Jubelirer moves that Senate Rule XV be suspended in order that he may be permitted to offer amendments to House amendments to Senate Bill No. 853.

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

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

YEAS—47

Andrezeski	Hess	Moore	Singel
Bell	Holl	Musto	Snyder
Bodack	Jubelirer	O'Connell	Stapleton
Brightbill	Kelley	O'Pake	Stauffer
Corman	Kratzer	Pecora	Stout
Early	Kusse	Reibman	Street
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Lloyd	Romanelli	Williams
Hager	Loeper	Scanlon	Wilt
Hankins	Lynch	Shaffer	Zemprelli
Helfrick	Mellow	Shumaker	

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 Senate amendments to House amendments:

- Amend Sec. 4, page 7, line 8, by striking out all of said line
- Amend Sec. 5, page 7, line 9, by striking out "5" and inserting:
4
- Amend Sec. 6, page 9, lines 11 through 18, by striking out all of said lines
- Amend Sec. 7, page 9, line 19, by striking out "7" and inserting: 5
- Amend Sec. 8, page 10, line 9, by striking out "8" and inserting: 6
- Amend Sec. 9, page 12, line 6, by striking out "9" and inserting: 7
- Amend Sec. 10, page 15, line 14, by striking out "10" and inserting: 8
- Amend Sec. 11, page 19, line 14, by striking out "11" and inserting: 9
- Amend Bill, page 19, by inserting between lines 19 and 20:

Section 10. The presently confirmed members of the existing board, as of June 30, 1984, shall continue to serve as board members until their present terms expire.

Section 11. Each rule and regulation of the board in effect on June 30, 1984, shall remain in effect after such date until repealed or amended by the commission.

Amend Sec. 16, page 20, line 3, by striking out "in 60 days" and inserting: immediately

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

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 853 will go over, as amended.

SB 987 CALLED UP OUT OF ORDER

SB 987 (Pr. No. 2205) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 987 (Pr. No. 2205) — The Senate proceeded to consideration of the bill, entitled:

An Act combining the radiation safety provisions of the Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act; empowering the Department of Environmental Resources to implement a comprehensive Statewide radiation protection program; further providing for the power of the Environmental Quality Board and for the duties of the Environmental Hearing Board; expanding the authority of the department to regulate other radiation sources; providing for radiation emergency response; establishing requirements for transport of spent reactor fuel; establishing fees; providing penalties; making repeals; and authorizing and directing the Department of Environmental Resources and the Governor to convey ownership to the Carl A. White Acid Mine Drainage Treatment Plant, situated in Washington Township, Indiana County, Pennsylvania, to the County of Indiana, subject to a right of reverter for stated conditions.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 987.

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—47

Andrezeski	Hess	Moore	Singel
Bell	Holl	Musto	Snyder
Bodack	Jubelirer	O'Connell	Stapleton
Brightbill	Kelley	O'Pake	Stauffer
Corman	Kratzer	Pecora	Stout
Early	Kusse	Reibman	Street
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Lloyd	Romanelli	Williams
Hager	Loeper	Scanlon	Wilt
Hankins	Lynch	Shaffer	Zemprelli
Helfrick	Mellow	Shumaker	

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 LEAVE

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator Lincoln who had to leave the floor.

The PRESIDENT pro tempore. Is there objection to temporary Capitol leave for Senator Lincoln? The Chair sees none. Without objection, that leave will be granted

CONSIDERATION OF CALENDAR RESUMED

SPECIAL ORDER OF BUSINESS

HB 902 CALLED UP OUT OF ORDER

HB 902 (Pr. No. 3332) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 902 (Pr. No. 3332) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee ballots.

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?

LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of Senator Hopper on the floor. His personal leave is now cancelled.

And the question recurring,
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)
Senator KUSSE. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—36

Andrezeski	Holl	Moore	Scanlon
Bell	Hopper	Musto	Shaffer
Bodack	Jubelirer	O'Connell	Shumaker
Early	Kelley	O'Pake	Singel
Fisher	Lewis	Pecora	Stapleton
Fumo	Lincoln	Reibman	Stout
Greenleaf	Lloyd	Rhoades	Street
Hankins	Lynch	Rocks	Williams
Helfrick	Mellow	Romanelli	Zemprelli

NAYS—12

Brightbill	Hess	Loeper	Tilghman
Corman	Kratzer	Snyder	Wenger
Hager	Kusse	Stauffer	Wilt

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 ZEMPRELLI asked and obtained unanimous consent to address the Senate.

Senator ZEMPRELLI. Mr. President, as I had previously indicated, Senate Bill No. 987 was considered at which time under instructions I am voting Senator Bodack. I voted Senator Bodack in the affirmative on Senate Bill No. 987. His instructions to me in writing were to vote him in the negative. It was an inadvertent mistake. Therefore, Mr. President, I

would want the record to show that had Senator Bodack been present, he would not have been as clumsy in making the mistake I did, and the record would have shown him voting in the negative. Having said that, Mr. President, I am not sure what it means entirely as far as the proceedings are concerned, but, nonetheless, I think it is something he can look to to explain that even I am only human and make a mistake now and then.

The PRESIDENT pro tempore. Senator, the only suggestion of the Chair would be that you should add to your comments, "mea culpa, mea culpa, mea maxima culpa."

CONSIDERATION OF CALENDAR RESUMED

SB 1080 CALLED UP OUT OF ORDER

SB 1080 (Pr. No. 2199) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1080 (Pr. No. 2199) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing clarification that affiliated banks may invest trust funds in each other's common trust or collective investment funds; further providing for investments by institutions; further providing for powers and duties of savings banks; further providing for names; and further providing for powers and duties of boards or committees of institutions.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1080.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SB 1085 CALLED UP OUT OF ORDER

SB 1085 (Pr. No. 2180) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER.

BILL LAID ON THE TABLE

SB 1085 (Pr. No. 2180) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," further providing for credit unions.

Upon motion of Senator JUBELIRER, and agreed to, the bill was laid on the table.

SB 1217 CALLED UP OUT OF ORDER

SB 1217 (Pr. No. 2206) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1217 (Pr. No. 2206) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax and for driving under the influence work release programs; and changing a penalty.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1217.

On the question,

Will the Senate agree to the motion?

Senator EARLY. Mr. President, I would like to very briefly point out Section 8 (h), the second part of the amendment dealing with work release. It is my interpretation of this, and I want to have it on the record, that it is the legislative intent that an individual who participates in the work release program is an individual who is incarcerated for the necessary time that the judge has sentenced him. This is not in lieu of an individual going to jail. He goes to jail, he is out in the daytime in a work release program, and then he goes back to jail. I do not think it is clear, and I want to make sure that is the legislative intent when we pass this bill, and I assume no one is objecting to that.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street

Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SB 1239 CALLED UP OUT OF ORDER

SB 1239 (Pr. No. 2207) — Without objection, the bill was called up out of order, from page 4 of the Calendar, under Bill on Concurrence in House amendments, by Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1239 (Pr. No. 2207) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining hazardous material; providing for the effect of amendments to Federal regulations; repealing the penalty for violating Federal law when driving a vehicle; providing for the transportation of hazardous materials; providing for enforcement of traffic regulations on private property; and making a repeal.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1239.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 1776 CALLED UP OUT OF ORDER

HB 1776 (Pr. No. 3248) — Without objection, the bill was called up out of order, from page 4 of the Final Passage Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 1776 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 6 CALLED UP

SB 6 (Pr. No. 2214) — Without objection, the bill was called up, from page 1 of the Calendar, under Report of Committee of Conference, by Senator JUBELIRER.

REPORT ADOPTED

SB 6 (Pr. No. 2214) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "bus" and "motor-driven cycle"; changing requirements for certificates of title, transfers of ownership, transfers between dealers and manufacturers; further providing for junked vehicles; providing for the duration of security interests; requiring registrations and certificates of title; exempting additional vehicles from registration; authorizing permanent fleet registration; changing the designation of certain plates; providing a penalty for leaving the scene of an accident involving an unattended vehicle or property; further providing for certain emergency equipment, ice grips and tire studs and window materials; further providing for certain school buses; providing penalties for violations of regulations; and providing a limited exemption from inspection for newly purchased vehicles.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 6.

On the question,

Will the Senate agree to the motion?

Senator BELL. Mr. President, I think hidden in this bill are some turkeys. I go to page 16, line 24. There will be new law in Pennsylvania because the Secretary of Transportation will be able to promulgate regulations and, if they are violated, will render the violator guilty of a summary offense. Up until now it was my understanding of the Motor Vehicle Code that the Secretary did not say what the violations were, we did. We are giving unto the Secretary with this section the power to do, by regulations, that which we should reserve unto ourselves by statutory changes.

May I remind the Senate that the Senate does not pass on regulations. The procedure is the regulations go to the responsible committee. The committee can reject them. The Independent Regulatory Commission can reject them. Then if they are slightly amended, they are returned, but not to the parent committee, they go to the Regulatory Review Commission. I am voting "no," and I think this is one awful time to push this type of legislation through. This has not been adequately understood by Members of either caucus.

And the question recurring;

Will the Senate agree to the motion?

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

YEAS—44

Andrezeski	Holl	Mellow	Shumaker
Bodack	Hopper	Moore	Singel
Brightbill	Jubelirer	Musto	Snyder
Corman	Kelley	O'Connell	Stapleton
Early	Kratzer	O'Pake	Stauffer
Fisher	Kusse	Reibman	Stout
Fumo	Lewis	Rhoades	Street
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli

NAYS—4

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

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

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1921

HB 1921 (Pr. No. 3297) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring operators who are holders of learners' permits and junior drivers' licenses to wear safety belts; providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

Senator JUBELIRER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1921, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILLS OVER IN ORDER TEMPORARILY

SB 56 and 750 — Without objection, the bills were passed over in their order temporarily at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1177 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL OVER IN ORDER

SB 494 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 630 (Pr. No. 3321) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 14, 1971 (P. L. 221, No. 43), entitled "An act regulating the time of payment of wages and earnings of railroad employees," further providing for the manner of the payments.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

SB 831 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 846 — 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 1386 (Pr. No. 2234) — The Senate proceeded to consideration of the bill, entitled:

An Act coordinating the vertical and horizontal mining of oil, gas and coal which lie in the same or adjoining tracts of land; and providing penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 present said bill to the House of Representatives for concurrence.

SB 1387 (Pr. No. 2213) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," abolishing the State Transportation Commission and the State Transportation Advisory Committee; and providing for the establishment and powers and duties of a State Transportation Board.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 1404 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1551 (Pr. No. 2914) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting persons from refusing to provide property or services to individuals who do not possess credit cards; providing for enforcement of the act; providing remedies; and imposing civil penalties.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—31

Andrezeski	Helfrick	Musto	Scanlon
Bell	Kelley	O'Connell	Singel
Bodack	Lewis	O'Pake	Stapleton
Brightbill	Lincoln	Pecora	Stout
Early	Lloyd	Reibman	Street
Fumo	Loeper	Rhoades	Williams
Greenleaf	Lynch	Rocks	Zemprelli
Hankins	Mellow	Romanelli	

NAYS—17

Corman	Hopper	Moore	Stauffer
Fisher	Jubelirer	Shaffer	Tilghman
Hager	Kratzer	Shumaker	Wenger
Hess	Kusse	Snyder	Wilt
Holl			

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 1898 (Pr. No. 3381) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing within the Pennsylvania Higher Education Assistance Agency Regional Computer Resources Centers and Regional Computer Resource Center boards.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer

Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 with amendments in which concurrence of the House is requested.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 924, 939, 976, 977, 978, 1005, 1306 and 1350 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

SB 1378 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

SB 1419, 1445, 1446, 1455, 1464, HB 1682, 1931 and 2099 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

HB 846 CALLED UP

HB 846 (Pr. No. 2057) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 846 (Pr. No. 2057) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

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 amendment:

Amend Title, page 1, line 14, by striking out "an amendment" and inserting: amendments

Amend Title, page 1, line 15, by striking out "FURTHER PROVIDING FOR ABSENTEE VOTING." and inserting: changing provisions relating to judicial discipline, creation of a judicial council, supervision of the practice of law, financial disclosure, financial affairs of the judiciary, budgeting; and further providing for absentee voting.

Amend Sec. 1, page 6, line 12, by striking out "AMENDMENT" and inserting: amendments

Amend Sec. 1, page 6, line 13, by striking out "is" and inserting: are

Amend Sec. 1, page 6, by inserting between lines 13 and 14:

(1) That section 10 of Article V be amended to read:

§ 10. Judicial administration.

(a) The Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another as it deems appropriate.

(b) The Supreme Court shall appoint a court administrator and may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of all courts and justices of the peace.

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar [and to practice law,] and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.

(d) The Supreme Court shall issue general rules providing for the practice of law, which rules shall provide for the creation of the an attorney disciplinary board. The board shall consider and investigate the conduct of any person admitted to practice and shall have the power to discipline such persons by reprimand, censure, suspension, disbarment or such other action as may be provided by the rules of the Supreme Court. Any person who is the subject of an order of discipline by the board may seek review of the order by the Supreme Court within such time limits as the court may by general rule provide and the court may review, affirm, revise or reject the order of discipline. In addition, upon the petition of at least one-third of the members of the board to review a decision by the board to discipline or to dismiss a disciplinary matter, the court may affirm, revise or reject the decision of the board.

[(d)] (e) The Chief Justice and president judges of all courts with seven or less judges shall be the justice or judge longest in continuous service on their respective courts; and in the event of his resignation from this position the justice or judge next longest in continuous service shall be the Chief Justice or president judge. The president judges of all other courts shall be selected for five-year terms by the members of their respective courts, except that the president judge of the traffic court in the City of Philadelphia shall be appointed by the Governor. A Chief Justice or president judge may resign such position and remain a member of the court. In the event of a tie vote for office of president judge in a court which elects its president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

[(e)] (f) Should any two or more justices or judges of the same court assume office at the same time, they shall cast lots forthwith for priority of commission, and certify the results to the Governor who shall issue their commissions accordingly.

(g) There shall be a Judicial Council of Pennsylvania which shall advise the Supreme Court in the administration of the unified judicial system. The council shall be composed of fifteen members; four of whom shall be members of the General Assembly with one designated by the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority

Leader of the House of Representatives. The Governor shall appoint a member. The Chief Justice shall appoint ten members which shall include the Court Administrator of Pennsylvania, judges, members of the bar of the Supreme Court and non-lawyer electors. The council shall meet quarterly and shall annually submit a report to the Supreme Court and the General Assembly which shall include recommendations for improving the operations of the unified judicial system and other related matters.

(2) That section 17 of Article V be amended to read:

§ 17. Prohibited activities and financial disclosure.

(a) Justices and judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of the United States or the Commonwealth.

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary and expenses provided by law.

(d) No duties shall be imposed by law upon the Supreme Court or any of the justices thereof or the Superior Court or any of the judges thereof, except such as are judicial, nor shall any of them exercise any power of appointment except as provided in this Constitution.

(e) The Supreme Court shall promulgate financial disclosure requirements for all justices, judges, justices of the peace and other officers or employees of the unified judicial system which shall provide for no less disclosure than provided by law for public officers generally.

(3) That section 18 of Article V be amended to read:

§ 18. Suspension, removal, discipline and compulsory retirement.

(a) [There shall be a Judicial Inquiry and Review Board having nine members as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.] There shall be a Judicial Conduct Board having twelve members as follows: The President Judge of the Superior Court; the President Judge of the Commonwealth Court; two active president judges of the courts of common pleas appointed by the Chief Justice; one non-judge member of the bar of the Supreme Court appointed by the President pro tempore of the Senate; one non-judge member of the bar of the Supreme Court appointed by the Minority Leader of the Senate; one non-lawyer elector appointed by the Speaker of the House of Representatives; one non-lawyer appointed by the Minority Leader of the House of Representatives, one non-judge member of the bar of the Supreme Court appointed by the Governor; one non-lawyer elector appointed by the Governor; one justice of the peace appointed by the Governor and one former and retired justice or judge appointed by the Governor. No member of the General Assembly shall be eligible for membership on the board.

(b) [The] Except for the President Judges of the Superior and Commonwealth Courts and the initial appointees whose term shall be provided by the schedule to this amendment, the members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. Board membership by a judge shall terminate if the member ceases to hold the judi-

cial position that qualified him for the appointment. Membership shall also terminate if a member attains a position that would have rendered him ineligible for appointment at the time of his appointment. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. [No] Except for the President Judges of the Superior and Commonwealth Court, no member shall serve more than four consecutive years[, he] but may be reappointed after a lapse of one year. Annually the member of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. [Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe.] All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties. The board shall appoint a full-time executive director, a counsel and such other staff as it shall deem necessary and proper, shall adopt rules for its operation and shall annually submit a proposed operating budget to the General Assembly and the Governor.

(d) Under the procedure prescribed herein, any justice [or], judge or justice of the peace may be suspended, removed from office or otherwise disciplined or censured for violation of section 17 of this article, misconduct in office, neglect of duty, failure to perform [his duties] the duties of that office, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, censure or compulsory retirement of justices [or], judges or justices of the peace. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary, which preliminary investigations shall be confidential.

(f) The board, after such investigation, and having found probable cause may order a hearing concerning the suspension, removal, discipline, censure or compulsory retirement of a justice [or], judge or justice of the peace. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings. Any hearing ordered by the board shall be conducted consistent with the principles of due process and the rules of evidence and shall be confidential except that the justice, judge, or justice of the peace who is the subject of the proceeding may waive confidentiality. The filing of papers with the board and the giving of testimony before the board shall be privileged.

(g) [If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.] If, after hearing, the board finds good cause therefor, it shall order that a justice, judge or justice of the peace be suspended, removed, disciplined, censured or compulsorily retired. The board shall file the record of any hearing conducted by it with the Supreme Court within ten days of its decision whether or not it ordered suspension, removal, discipline, censure or compulsory retirement. Upon the filing, the board shall make public its findings and conclusions and the record of its proceedings. The information shall be made available for public inspection at the principal office of the board.

(h) [The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section 16 of

this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.] Upon the rendering of a decision by the board, the procedure shall be as follows:

(1) The justice, judge or justice of the peace involved may either accept the order of the board or make written request to the Chief Justice within 30 days after receipt of the determination for a review thereof by the Supreme Court.

(2) If the justice, judge or justice of the peace accepts the order of the board or fails to request a review thereof by the Supreme Court, the board shall thereupon order the suspension, removal, discipline, censure or compulsory retirement of the justice, judge or justice of the peace. Upon an order for compulsory retirement, the justice, judge or justice of the peace shall be retired with the same rights and privileges were he retired under section 16. Upon an order for suspension or removal, the justice, judge or justice of the peace shall be suspended or removed from office and his salary shall cease from the date of the order.

(3) (i) If the justice, judge or justice of the peace seeks review of an order of the board, the Supreme Court or, in the case of a justice, an ad hoc court as set forth in subclause (ii) shall review the board's findings of fact and conclusions of law and the record of the proceedings upon which the board's determination was based and shall also allow the introduction of additional evidence. After the review, the Supreme Court or the ad hoc court, as the case may be, may affirm, revise or reject the ordered sanction.

(ii) In the event a Supreme Court justice is involved and seeks review of an order of the board, the Chief Justice shall appoint an ad hoc court of seven judges, seven of whom are to be chosen by lot from the total combined membership of the Superior and Commonwealth Courts. Such ad hoc court shall conduct a review as set forth in subclause (i) and its decision shall have the same effect as if rendered by the Supreme Court.

(4) If, after hearing, the board decides not to order suspension, removal, discipline, censure or compulsory retirement, the Supreme Court or ad hoc court, as the case may be, may, on its own motion, and shall, upon the petition of at least three members of the board, have the board's decision reviewed. After the review, the Supreme Court or ad hoc court may affirm the decision of the board or impose a sanction upon the justice, judge or justice of the peace.

(5) In reviewing an order of the board under clauses (3) and (4), the Supreme Court or ad hoc court shall complete its review and render its judgment within 60 days of the request for review. If the review is not completed and judgment not rendered within 60 days, the order of the board shall be imposed by the board.

(i) No justice [or], judge or justice of the peace shall participate as a member of the board or of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) No judge shall participate as a member of the board in any proceeding involving a judge of the same court. Nor shall any member participate as a member of the board in any proceeding involving a justice, judge or justice of the peace who resides in the same county as that of the board member.

(k) The Supreme Court shall prescribe rules of procedure [under this section] for its review of decisions by the board.

(l) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.]

(m) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of

the Supreme Court or removed under this section 18 shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(n) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(o) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

(4) That Article V be amended by adding a section to read:

§ 19. Financial affairs and budgets.

(a) As provided by law, the Supreme Court shall annually submit to the Governor and the General Assembly proposed operating budgets for the ensuing fiscal year for the Supreme Court, Superior Court, Commonwealth Court, Court Administrator and other statewide agencies, committees and statewide units of the unified judicial system setting forth in detail proposed expenditures classified by court, agency, committee or unit for the year.

(b) The General Assembly shall include such operating budget appropriation for the Supreme Court, Superior Court, Commonwealth Court, Court Administrator and other statewide agencies, committees and statewide units of the unified judicial system as the General Assembly shall determine to be necessary and reasonable in the general appropriation bill or such separate appropriation bill as it deems appropriate. No moneys shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation approved by the General Assembly and upon warrant issued by the proper officer.

(c) All fees, charges and other moneys received by the Supreme Court, Superior Court, Commonwealth Court or other statewide agency, committee or statewide unit of the unified judicial system, with the exception of payments mandated to a party by court order and fees assessed by the attorney disciplinary board or for a client security fund, shall be deposited in the State Treasury for appropriation by the General Assembly or as the General Assembly may otherwise provide by law.

Amend Sec. 1, page 6, line 14, by inserting before "THAT":

(5)

Amend Bill, page 6, by inserting after line 26:

Section 2. Schedule.—(a) The members of the Judicial Inquiry and Review Board appointed heretofore shall vacate their office 60 days after the issuance of the proclamation certifying voter approval of the amendments to section 18 of Article V and all proceedings pending before the board and all records shall be transferred to the Judicial Conduct Board.

(b) Of the members initially appointed to the Judicial Conduct Board, one of the president judges shall be appointed for a two-year term and one for a four-year term. The members first appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives shall serve four-year terms. The members first appointed by the Minority Leader of the Senate and the Minority Leader of the House shall serve two-year terms. The former and retired justice or judge first appointed shall serve a four-year term. The justice of the peace first appointed shall serve a three-year term; the non-judge member of the bar of the Supreme Court first appointed by the Governor shall serve a three-year term and the non-lawyer elector first appointed by the Governor shall serve a two-year term.

Section 3. Each paragraph of section 1 hereof shall be submitted by the Secretary of the Commonwealth as a separate question to the qualified electors of the State at the primary, municipal or general election next held after procedures and advertising requirements of Article XI have been satisfied.

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

Senator STAUFFER. Mr. President, in the attempt to obtain a reform of the judicial process, the Senate has been engaged in consideration of the issue for many months. As we arrive at the final day before our summer recess, I wish to report to the Senate that it has been our attempt to recognize the concerns which have been expressed by the Chief Justice of the Supreme Court of the Commonwealth, and to make every effort to accommodate the concerns and suggestions that have emanated from his office. I believe the amendment that is before us today, in great, great measure, changes the proposal so that it does meet those suggestions and concerns, and should create a system in which we could have a very cooperative situation. On that basis, I would hope and request that the Members will support the adoption of the amendment.

Senator ZEMPRELLI. Mr. President, earlier today we received the amendment and the gentleman is absolutely correct, the amendment is very extensive. It does make radical changes in the structuring of the Judicial Review Board. The fact is we would be dealing with this amendment at this particular time, when everybody is mentally exhausted and does not give the opportunity to appreciate the full significance of this very challenging and very far-reaching amendment that would deal with the judicial system and, perhaps, even further, with the separation of powers and the disciplines of power within departments that might have a flowover as to the executive as well as the legislative branch of our government. It may very well be that after detailed study and consideration, this amendment may be very, very palatable, but it is certainly not going to be palatable on the eve of the summer recess. It is the perfect type of amendment to be presented for consideration and examination and for actual consideration later in the year.

Mr. President, having said that, I am somewhat concerned about why, at this moment, we are having this amendment offered on the floor of the Senate when, in fact, there was a special committee of this Senate convened for the purpose of review into other matters as well as the sensitive consideration that is now before us. I do not see any strong ferment for dedicated work on the part of that committee. Would it not be more significant to suggest that that committee should report as to its findings in detail after hearings on these matters than for us to arbitrarily take an amendment that has been proposed at the last moment and give it consideration?

Mr. President, I simply say it would be irresponsible to deal with this amendment at this precise moment. Having said that, I reserve the right to be wholeheartedly for it at a time later, after we have had an opportunity to review it over the summer, and consider it when we return. I believe, Mr. President, that is the most judicious method of dealing with this important subject matter.

Senator SNYDER. Mr. President, the gentleman from Allegheny knows, I think, that this is our last chance this Session. If this were an ordinary piece of legislation, we could

delay over the summer and act on it in September, but unless we act on it tonight, unless we act on it this week before the recess, there is not sufficient time to advertise it to qualify as having passed one Session. Regrettable as it is, this is the only time we can deal with it.

Have we had enough consideration of this subject? Yes, we have, for approximately eighteen months. We have had hearings which the gentleman attended and heard much of the testimony. We had this subject before us several weeks ago when, I regret to say, we were several votes short. Since that time there was an effort made to accommodate the wishes of persons who had a very deep interest in it. It is my understanding that this in large degree accommodates them.

Mr. President, I know we do not want to discuss the merits at length, but let me just brief you on this point. This is much, much better than the present law in this regard. The great objection to the present law regarding judicial discipline was that it was dominated by the Supreme Court. The Supreme Court could appoint a majority of the board that passed upon things. The Supreme Court was then the final board of arbitration if the matter was carried up on appeal. This very significantly removes that. No one element dominates this board of twelve. The Chief Justice can appoint two, and two other judges, the president judges of each of the other intermediate appellate courts, are the four from the judicial branch. There are four from the legislative branch, one from each caucus of each Body. There are four appointees by the Governor, one of whom must be a district justice. This means that the judiciary cannot dominate this as it does presently and as it has been criticized for doing in the past. There is laymen participation and lawyer participation and this is healthy. I think, all things considered, this is as good a combination of people to pass upon the erring judge. We have them and we must reckon with that. Nobody is perfect. I think this accommodates that very well.

The other provisions just reached strengthen the disciplinary part of things, the disclosure part, the budgeting and the special provision that if there is a Supreme Court Justice who himself is in error and is considered for discipline, this is passed upon finally not by his peers but by judges chosen by lot from the other two intermediate courts. I think this has a great deal going for it and, of course, I have a special interest, having put considerable time into this subject. I would say we come as near having a good blue ribbon jury to pass upon judicial erring as can be found in any of the fifty states.

A great deal is said at various times about the separation of powers. Let us remember, too, our system provides for checks and balances and this is an effort to check and balance the part relating to the judiciary. Some would like it a little stronger, some would have other misgivings, but on the average this is a consensus, I think, that we can be proud of if we enact it, bearing in mind, of course, this must be passed upon two years hence and then go to the people. I have confidence if this goes to the people with the proper explanation, they will approve it.

Senator BELL. Mr. President, I join with the gentleman from Allegheny, Senator Zemprelli, in regretting that this is thrown at us at the eleventh hour of the last day, especially since other people in the Commonwealth apparently had access to this amendment before, because there have been some telephone calls received for and against the amendment. I did not have an opportunity to see it until a few minutes ago.

I opposed the judicial review bill that was presented previously. I opposed it because I thought the Governor would control the judges. I have hastily scanned this bill in the time I have had. Remember all of us have been in this Chamber for five days, some days up to twelve or fourteen hours, so we are not fresh. I have currently scanned this and I do not see the threat that was in the other bill. I do not see the threat of any Governor controlling the removal and discipline of judges that was in the other bill.

I think the bill does have good points. I would want more time to study it. This is not like the turkey which was just pushed through on giving the Secretary of Transportation the right to determine by regulation that you go to jail for summary offenses. That cannot be revoked. But, this is the first time around. This has to be advertised. It will be advertised. The second time around is the next Session and by that time if there are turkeys in this amendment, I will be the first one to get up here and gobble about it because I do not think we should push stuff through like this, but we do not have any choice. I will vote "yes."

Senator STAUFFER. Mr. President, I think it is important to note that, obviously, we would all like to have more time to deal with legislation. Many of the bills we are considering today have come at us in a hurry at the last minute. It is regrettable, but most of us who have been around this system for any length of time at all know that this is a common occurrence and it goes with the job. I think the point the gentleman from Delaware, Senator Bell, has made is an important one, and that is, this is the first trip around. There will be further opportunity.

I also think it is important to recognize a point which I made earlier, and that is, the reason this is here late is because we were making every attempt to ameliorate the situation and endeavor to have as much cooperation and agreement between the different branches of government as was possible. So we have to work until the zero hour to endeavor to accomplish that. I think we have done well in that regard. I think this amendment deserves our support and there will be plenty of opportunity to conduct the kind of reviews that both the gentleman from Delaware, Senator Bell, and the gentleman from Allegheny, Senator Zemprelli, have referred to. I believe when those studies are made there will be an agreement that we do have something we all can support, and in the Session following this one we can go to the voters with something that will give us a judicial review board that is worthy of their support as well.

Senator KELLEY. Mr. President, we are not dealing with something of light importance in this matter. The gentleman from Chester indicates it is not unusual for us in the latter part

of a Session, in the eleventh hour, to be treating things expeditiously, but that is with legislation that we can correct subsequently on the reconvening of the Session. In this particular case, the gentleman from Lancaster says we must do it quickly, it is our last chance. Everyone in this Body was told by his or her mother that haste makes waste. The gentleman from Lancaster says he regrets the fact that we do not have more time. By implication, he says to each and every one of us that we can do a better job on this issue if we treat it with more attention. My understanding of the constitutional process in amending is that the second time around we have to have precisely the same language so that once we do this, the gentleman from Delaware says, if there is a turkey in here, he will get up and yell and scream about it. But what good is that? We have lost the time anyway, because if it is turkey time in here now, we are going to have to make the changes and we are going to have to go to a second succeeding legislative Session to get the proper language. This document of amendment has not come forth with the fruits of eighteen months of concentrated effort, because the committee set forth and treated these things, in my opinion, rather superficially. We had witnesses come in and testify as to what they thought it should be. We never faced the concept and studied the history of the Constitutional Convention that brought forth this fifth article of the Constitution. In May of 1966 or 1967, the voters said we will convene the Constitutional Convention. In June, a preparatory committee for six months worked and prepared the documentation for those members who were then not yet elected to the Constitutional Convention, the delegates. For six months the preparatory committee prepared the documentation for them to work on. In November when the delegates were elected and they convened in December, they began their work on just four areas of amending the Constitution. So you know then for the three months in December, January and February they worked diligently through the committee process considering all the philosophical considerations, and for the structure of the disciplinary review of the judiciary they studied three options. They studied and adopted one of them, which was referred to as the California situation. It is where it is exclusively within the judiciary so to speak. There are some people with all these years who say it has been unsuccessful. I am not sure that has been documented sufficiently. Certainly it is enough results of the media publications and events that cause us to ask the question, maybe we should take another look at it. But should we not look at it and examine it within the structure that we, ourselves, have in a committee with precision and diligence, studying all the options that are available? For instance, the amendment offered by the gentleman from Chester, in advocating support for it he says to us, we recognize checks and balances, separation of powers. Do we? Do we, by going outside, retain the branches of government when we have a disciplinary review board or a "council" as the amendment calls it? It is made up of many people who are not elected and outside the parameters of accountability to a constituency. I say that is another option, it is a fourth option, it is one more than the Constitutional Convention considered.

Look at the very concept in the amendment itself when it says it prohibits Members of the General Assembly from serving. Is that not a contradiction of sorts with the idea that we still have impeachment? Should a disciplinary board have the power of removal? There may be censuring and suspensions, but what about removal of elected officials? That is a deep philosophical concept that we should be deliberating in our committee processes. What about the fact that this amendment says the council—get this, Mr. President—upon finding probable cause may—not must, not shall, but may—convene a hearing. Is that not wonderful? Are we really serious about pursuing complaints when we find probable cause to still give discretion about convening a hearing?

Mr. President, this amendment is faulty on its face because it was too hastily composed, because it is a race to the record of filing date and it is a race to the record of advertising date. Haste makes waste. A hasty pursuit of correcting what we believe to be an error, which we presently have in our fundamental law, is the road to compounding the very worst of what some people conceive and believe is a fault.

I suggest, Mr. President, and I have told, privately, the Members of the other side, although I have not participated in composing any of the amendments that have been offered, including this one, I am perfectly willing in good faith to participate, and my colleagues on this side of the aisle likewise stand ready to give committed time and energy and resource to compose a very responsible area of review on disciplinary action and behavior. I think we must do it properly and on the face of it the amendment fails. Mr. President, I could not urge more strongly a negative vote.

The PRESIDENT pro tempore. Did the recorders make note of Senator Romanelli's "amen?"

Senator ROCKS. Mr. President, I rise on this amendment, finding it ironic that it was this day, the last day, the wrap-up before last summer's recess that we charged to the passage of Senate Resolution No. 54. It has been alluded to by two of my Democratic colleagues that Senate resolution did, in fact, form a select committee of five Members of this Senate. The Resolution says:

"WHEREAS, The financial operations and personnel practices of the Supreme Court of Pennsylvania and the related boards, committees and units of the Unified Judicial System have been questioned as to their lack of openness, accountability, economy and consistency."

The resolution resolves that "The committee shall also review and evaluate the Pennsylvania Code of Judicial Conduct and study its provisions as compared with the provisions in the Canons of Judicial Ethics recommended by the American Bar Association and the Canons of Judicial Ethics adopted by other jurisdictions...."

"The Committee shall prepare a report of its findings and recommendations for legislation and other such action as it deems appropriate as soon as possible...."

Mr. President, the dead rush to pass that resolution came on this day, the final day before the summer recess a year ago. I think its charge is a serious one. I think that committee,

having been duly formed and in operation, should have its opportunity to return to this Senate, as this Senate decided, with its work product. I would submit from the findings of that committee, serving as one of its Members, knowing full well that the constitutional change that is recommended in the amendment in front of us is part of its considerations, that it might be the thoughtful and meaningful approach to the reform that has been described now twice in the last week by the gentleman from Chester, Senator Stauffer.

Mr. President, this is not zero hour when it comes to judicial reform. We are in the closing hours of a legislative Session that wants to go on summer recess, thank God. This is one of the most serious considerations that this Legislature will make before the end of its term, a change proposed in our Constitution that is as significant as any change in the history of the Constitution of this Commonwealth. This is not the zero hour today. The gentleman from Chester, Senator Stauffer, says that the Senate is engaged for many months. The Senate committee that is charged with producing this amendment has not come forward yet. I believe that it wants to. I believe as the gentleman from Westmoreland, Senator Kelley, well pointed out, that a thoughtful exercise of persons sitting down to work on this problem is the only way to responsibly bring forward a suggestion, a proposal, or, yes, even an amendment for judicial reform. We ought to get out of the business of creating publicity over this issue. We have gotten awfully good at that. We ought to get down to work because the people of this Commonwealth, I believe, want this issue thoroughly examined, but not in an amendment that is so substantive, that gets produced on the day that it is to be considered. I have heard the description of the gentleman from Chester, Senator Stauffer, and I know full well the constitutional change process in this state. Yes, another Legislature would pass on it before it goes to the voters, but we are being asked, as the elected representatives of the people, right at this hour to vote on how we feel about what is proposed and this is a significant change in our Constitution. I think this Senate has earned its right to examine the question of judicial reform. I believed in sponsoring Senate Resolution No. 54 and serving on that select committee that we would produce a desired amendment, but I do not believe that we should, in the closing hour before another summer recess, have to have zero hour when it comes to the reform as significant as proposed in the amendment in front of us.

Mr. President, I hope we would defeat this amendment. I hope then the Senate would move in its very thoughtful and work minded fashion forward to produce for us some desired reform for the appellate courts of this Commonwealth.

Senator STAUFFER. Mr. President, very briefly, I would like to point out to the gentleman that the select committee established by this Senate was charged with a major mandate of considering court finances that were not set up to deal with the issues we deal with in this amendment.

Finally, Mr. President, I would just like to state that I am quite disappointed with the fervor with which the gentleman objects and speaks against the amendment, because I well

know of his involvement during the past few days in the effort to come to an accommodation on this issue, and he well knows that were it not for what I believe to be one relatively minor issue, it would be my belief he would be standing up speaking in support of the amendment. It is disappointing that he is so fervorous in his opposition.

Senator SNYDER. Mr. President, I was rather surprised that the Senator from Philadelphia confused the two matters. I think the gentleman from Chester, Senator Stauffer, has explained that. I would remind everybody that legislation of this type was before the whole Committee on Judiciary and, necessarily, because it was referred to us. We had no choice. Whenever that committee held a hearing, I invited the members of the committee of five, including the gentleman from Philadelphia, Senator Rocks, to attend. I am happy to say he did attend some of the meetings.

I am reminded of Andrew Mellon's comment that a good deed will return to haunt you. I am somewhat inclined to believe that applies in this situation.

Senator KELLEY. Mr. President, I must say of the gentleman from Lancaster, in my serving with him for many years, he has never been anything but an excellent gentleman, and he continues to retain that quality. It was never any fault on his part of any intention to deny any participation by any Member, and I think the courtesies he extended to the Members of the select committee to participate with the Committee on Judiciary was a noble action. What surprises me, and I say this to the gentleman from Chester because he just expressed surprise to the gentleman from Philadelphia, is that the sponsor of this amendment, in his initial advocacy, sets forth that it represents what the Chief Justice wants. Well, I want everyone, Mr. President, to know that the Chief Justice of this Commonwealth never appeared before the Committee on Judiciary on this matter. I do not know the source or the mechanics by which the author of this amendment obtained the information that this is what the Chief Justice wants. I am interested in knowing what the Chief Justice wants, but it ought to be by the public process and the committee process of this Body if we are going to keep it honorable. I also want to know what the other justices want. I want to know what all the different theories are, philosophically, for us to review the discipline of the judiciary. What we have here by the very words of the chief sponsor of this amendment is, "It's what the Chief Justice wants." Well, the Chief Justice never appeared before the committee. I do not know the mechanics by which the chief sponsor got that information, but it was not consistent with the orders and the structure of this Body. I think that alone ought to justify a rejection because it violated the structure in the membership of this Body.

The PRESIDENT pro tempore. Members of the Senate, if the Senate will be in as much order as it is right now, we can conclude debate on this and all other issues and move much more expeditiously to adjournment. It is the request of the Chair, in deference to all speakers, that those who have conversations which they feel must take place, please carry them off the floor so those who wish to be enlightened by the debate may do so.

Senator ROCKS. Mr. President, I will be brief in just two points of rebuttal. I apologize to the Senator from Chester County for what he interpreted as my fervor. My mother says that is the result of being born Irish. However, I am not confused at all about what the charge is of the select committee. I understand Senate Resolution No. 54 fully well. If there was any confusion with what an investigative committee was to produce in this Chamber, it may have come from what was an extremely hard push toward a merit selection process of judges which is not included in the amendment in front of us. I am not confused that it is particularly the Board of Inquiry and Review of the Supreme Court that was going to receive probably the most exact examination under the provisions of Senate Resolution No. 54, because the publicity that caused the introduction of that resolution really dealt with that board. So while we have spent some year now, to the day nearly, of floundering around on the question of reform, I am not confused. I think we should move forward. If I attack this issue with some fervor, it is because I would like to have as substantive a consideration of a major change in the Pennsylvania Constitution. I hope we would be about that, but not with this amendment.

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

The PRESIDING OFFICER (James J. Rhoades) in the Chair.

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

Senator SINGEL. Mr. President, I request that my vote be changed from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator HANKINS. Mr. President, I would like to have my vote changed from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator O'PAKE. Mr. President, likewise, I would like to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator ZEMPRELLI. Mr. President, on behalf of Senator Bodack, I would change his vote from "no" to "aye." I wish my vote to remain "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator ROCKS. Mr. President, I guess it is zero hour, and with fervor I would like to change my vote from "no" to "aye."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator KELLEY. Mr. President, I would like to verify how I am recorded.

The PRESIDING OFFICER. The Clerk has informed me that you have been recorded in the negative.

Senator KELLEY. Thank you. I intend to stay there, Mr. President.

Senator RHOADES. The Clerk will change the Presiding Officer's vote from "no" to "aye."

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

YEAS—39

Andrezeski	Hess	Moore	Snyder
Bell	Holl	O'Pake	Stapleton
Bodack	Hopper	Reibman	Stauffer
Brightbill	Jubelirer	Rhoades	Stout
Corman	Kratzer	Rocks	Street
Fisher	Kusse	Romanelli	Tilghman
Greenleaf	Lewis	Scanlon	Wenger
Hager	Lloyd	Shaffer	Williams
Hankins	Loeper	Shumaker	Wilt
Helfrick	Mellow	Singel	

NAYS—9

Early	Lincoln	Musto	Pecora
Fumo	Lynch	O'Connell	Zemprelli
Kelley			

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

The PRESIDING OFFICER. House Bill No. 846 will go over, as amended.

CHAIR REVERSES DECISION

Senator ZEMPRELLI. Mr. President, inadvertently, the Chair forgot to recognize me for the purpose of additional amendments to House Bill No. 846 and proceeded to conclude

the issue on that by going to another bill. I would ask that the vote by which House Bill No. 846 was concluded be reconsidered for the purpose of making additional amendments.

Senator JUBELIRER. Mr. President, I accede to the gentleman's desire to offer his amendment. I would like to be recognized after he does.

The PRESIDING OFFICER. Without objection, the Chair reverses its decision by which House Bill No. 846 went over.

On the question,

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

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

AMENDMENT OFFERED

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

Amend Bill, page 1, by striking out "A JOINT RESOLUTION" in the line preceding line 1, and all of lines 1 through 23; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 26, by striking out all of said lines on said pages and inserting:

AN ACT

Providing for the submission to the electors of the Commonwealth of a nonbinding referendum relating to the reduction of the spending of money on nuclear weapons and foreign military intervention.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. At the municipal or general election next following the effective date of this act, a nonbinding referendum shall be placed upon the ballot for consideration by the electors.

Section 2. The question shall be in substantially the following form:

Shall more Federal funds be made available for local jobs, improving programs such as education, housing and health care, rebuilding our industry and repairing our transportation and water systems, by significantly reducing the amount of our tax dollars spent on nuclear weapons and foreign military intervention, in that way promoting jobs with peace?

Section 3. The election shall be held in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, and the results thereof shall be disseminated to the press and the general public by the Department of State as soon as practicable.

Section 4. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, the amendment would be a constitutional amendment. If we read it as follows, I think it spells the whole thing out without necessity for extended debate.

The issue to be put on a referendum which would be a non-binding referendum, would relate to the reduction of the spending of money on nuclear weapons and foreign military intervention. The question to be submitted would be as follows: "Shall more federal funds be made available for local jobs, improving programs such as education, housing and health care, rebuilding our industry and repairing our

transportation and water systems, by significantly reducing the amount of our tax dollars spent on nuclear weapons and foreign military intervention, in that way promoting jobs with peace?"

Mr. President, there is not much more that I can say than read this submission because it tells all. It is something that is absolutely necessary in our time. It comes to grips with what the problems are with our nation and the most critical need—

AMENDMENT RULED OUT OF ORDER

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

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

Senator JUBELIRER. Mr. President, I would suggest before we get into the debate on the merits, the amendment which the gentleman offers is not germane. It guts what we have just done and replaces it with a nonbinding referendum, and it would not be germane and I would ask for a ruling from the Chair.

The PRESIDENT pro tempore. Senator Zemprelli, the issue raised by Senator Jubelirer is as to germaneness. It would be for the following reasons the ruling of the Chair that the question is well raised and that the amendment is not germane.

First of all, the bill, either as originally introduced or as amended, is a joint resolution calling for a constitutional amendment. The amendment which Senator Zemprelli offers strikes the entire bill which is a joint resolution and inserts in its place a bill for a nonbinding referendum and is, therefore, not in order.

For a second reason, it creates an incompatibility, which is a legal impossibility, because if it is the intention of the Senator for his amendment to join the most recent amendment which has been passed by the Senate, he would have in a single document a bill and a joint resolution, one of which is to be enacted by the Senate and the House and signed by the Governor, and the other of which goes before the voters of the state on two separate elections. There is no way to separate them, so, therefore, there is no way to put them together.

For those two reasons, it would be the ruling of the Chair that the amendment is not germane.

Senator ZEMPRELLI. Mr. President, I have two alternatives as I see it. First of all, I disagree with the Chair. However, I would suggest then that we be permitted to conform to the strict rule, which seems to have its laxity from time to time, and have the amendment redrafted to the new printer's number. If the Chair intends to insist upon his ruling, then I would either request that, or if the Chair denies that request, then I am going to appeal the ruling of the Chair and ask for a roll call vote.

The PRESIDENT pro tempore. Senator, so that I am clear as to what it is you are requesting, you said you had two alternatives, one of which was to appeal the ruling of the Chair. That one I fully understand.

RULING OF THE CHAIR APPEALED

Senator ZEMPRELLI. Mr. President, what I will do in the order of importance, as I view it, is I am going to appeal the ruling of the Chair as to its determination that the issue before us is not germane to this bill. They both require ballot box voting. They are both concerned with referenda, as I view it, and they have that germaneness. To that extent under the rules that have been applied in this Senate in the past, they are just as germane as any other issue that has been determined to be germane in the past. For that reason, I am asking the Senate to recognize, within the parameters of its own definitions of germaneness and within the expansion of the band, that it would include germaneness and that they vote in the affirmative to establish the fact that it is germane.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, having said that and having moved to appeal the ruling of the Chair, I would ask for temporary Capitol leave on behalf of Senator Fumo.

The PRESIDENT pro tempore. Is there an objection to a temporary Capitol leave for Senator Fumo?

Senator JUBELIRER. Mr. President, I would ask for the same for Senator Wilt.

The PRESIDENT pro tempore. Is there objection to a temporary Capitol leave for Senator Wilt? The Chair hears no objection to either, so both leaves will be granted.

On the question,

Shall the decision of the Chair be sustained?

The PRESIDENT pro tempore. Senator Zemprelli has offered an amendment which would put together in one document a joint resolution for a constitutional amendment and a bill. It is the ruling of the Chair that the amendment, the bill portion of that, is not germane to the constitutional amendment in the sense that it calls not for a constitutional amendment but a nonbinding referendum. However, beyond that it adds to the constitutional amendment which must go before the General Assembly on two separate occasions a portion of a bill which would not do that. It would not be submitted to the public and there is no way to separate them. For the purpose of incompatibility, the Chair also rules that it is not germane. Senator Zemprelli has appealed the ruling of the Chair. Those voting "aye," support the Chair, those voting "no," vote to overturn the ruling of the Chair.

And the question recurring,

Shall the decision of the Chair be sustained?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—26

Bell	Hess	Moore	Snyder
Brightbill	Holl	O'Connell	Stauffer
Corman	Hopper	Pecora	Street
Fisher	Jubelirer	Rhoades	Tilghman
Greenleaf	Kratzer	Shaffer	Wenger
Hager	Kusse	Shumaker	Wilt
Helfrick	Loeper		

NAYS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stapleton
Early	Lloyd	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Musto		

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

The PRESIDENT pro tempore. House Bill No. 846 will go over, as amended.

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I would request a temporary Capitol leave for Senator O'Connell who has been called to his office and will be back shortly.

The PRESIDENT pro tempore. Is there an objection to the granting of a temporary Capitol leave for Senator O'Connell? The Chair hears none and that leave will be granted.

Senator ZEMPRELLI. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Scanlon.

The PRESIDENT pro tempore. Is there objection to temporary Capitol leaves for Senator Musto and Senator Scanlon? The Chair hears none and those leaves will be granted.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator FISHER submitted the Report of Committee of Conference on **HB 1858**, which was laid on the table.

SUPPLEMENTAL CALENDAR NO. 1

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1340 (Pr. No. 2217) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1340.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 1858**, which was placed on the Calendar.

SUPPLEMENTAL CALENDAR NO. 2

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 88 (Pr. No. 3399) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges for the courts of common pleas, compensation of assigned district justices and assignment of senior Philadelphia Municipal Court judges.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 88.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman

Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 690 (Pr. No. 3388) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for certain construction and repairs and the letting of certain contracts; further providing for contracts with certain private institutions; providing for the interpretation and construction of certain collective bargaining agreements; providing a compensation plan for school administrators; further providing for the assignment of pupils to schools; providing for remedial education programs; further defining "Factor for Educational Expense"; further providing for payments on account of instruction; limiting certain payments; and making editorial changes.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 690.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 1858 (Pr. No. 3401) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," providing for applications for additional insurance; and providing for automatic increases for inflation.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 1858.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2110 (Pr. No. 3382) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2110.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2114 (Pr. No. 3400) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for additional supplemental annuities for special early retirement, and authorizing participation in limited partnerships and venture capital investments.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2114.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SUPPLEMENTAL CALENDAR NO. 3

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SB 853 (Pr. No. 2243) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victims' Compensation Fund; changing provisions relating to the rights of victims of crime; making an editorial change; and making an appropriation.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate to Senate Bill No. 853.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

RECESS

Senator JUBELIRER. Mr. President, at this time I would request a very brief 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 at the rear of the Senate Chamber. I do not expect the meeting will take very long, no more than a few minutes, Mr. President.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room at the rear of the Senate Chamber, the Senate is now in recess.

AFTER RECESS

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

June 29, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 29, 1984 for the appointment of Gerald Goble, Jr., 8 School Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five

years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

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

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 2052, 2054, 2055, 2056, 2059, 2074 and 2082**, which were placed on the Calendar.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 785, 860, 1159, 1326, 1329 and 1339**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bills, as amended, will be placed on the Calendar.

COMMITTEE OF CONFERENCE APPOINTED ON HB 2088

The PRESIDENT pro tempore. The Chair announces the appointment of Senators **TILGHMAN, STAUFFER and MELLOW** as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 2088.

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

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator **TILGHMAN** submitted the Report of Committee of Conference on **HB 2088**, which was laid on the table.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 2088**, which was placed on the Calendar.

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

Senator **LOEPER**, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Com-

monwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

June 29, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 29, 1984 for the appointment of Gerald Goble, Jr., 8 School Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION

June 26, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 26, 1984 for the appointment of Richard L. Witmer, Box 17, R. D. 2, Spartansburg 16434, Crawford County, Fiftieth Senatorial District, as a member of the Public Employee Retirement Study Commission, to serve until October 28, 1987, and until his successor is appointed and qualified, vice William H. Hansell, Jr., Allentown, resigned.

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

DICK THORNBURGH.

MEMBER OF THE STATE REAL ESTATE COMMISSION

June 28, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1984 for the appointment of Sydney Eckman (Public Member), 2328 Griffith Street, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the State Real Estate Commission, to fill a new position, pursuant to Act 32, approved March 29, 1984, to serve for a term of five years or until his successor has been appointed and qualified, but not longer than six months beyond that period.

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

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

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 COUNCIL OF TRUSTEES OF WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

April 30, 1984.

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 Elizabeth H. Gemmill, Esquire, 3817 The Oak Road, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Bernard J. Carrozza, confirmed to another position.

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—0
NAYS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli

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

Ordered, That the Governor be informed accordingly.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

June 29, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 29, 1984 for the appointment of Gerald Goble, Jr., 8 School Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION

June 26, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 26, 1984 for the appointment of Richard L. Witmer, Box 17, R. D. 2, Spartansburg 16434, Crawford County, Fiftieth Senatorial District, as a member of the Public Employee Retirement Study Commission, to serve until October 28, 1987, and until his successor is appointed and qualified, vice William H. Hansell, Jr., Allentown, resigned.

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

DICK THORNBURGH.

MEMBER OF THE STATE REAL ESTATE COMMISSION

June 28, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1984 for the appointment of Sydney Eckman (Public Member), 2328 Griffith Street, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the State Real Estate Commission, to fill a new position, pursuant to Act 32, approved March 29, 1984, to serve for a term of five years or until his successor has been appointed and qualified, but not longer than six months beyond that period.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator KUSSE. Mr. President, I move that the Senate do now recess until 8:00 p.m.

The PRESIDENT pro tempore. Because there is nothing on the desk and no further business to come before the Chair at this time, without objection, the Senate is in recess until 8:00 p.m. this evening.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR NO. 4

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 2052 (Pr. No. 3390) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2052.

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

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I would request temporary Capitol leaves on behalf of Senator Stapleton, Senator Williams and Senator O'Pake.

The PRESIDENT pro tempore. Is there objection to the granting of temporary Capitol leaves for Senators Williams, Stapleton and O'Pake? The Chair hears none and those leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of Senator Musto whose leave is cancelled. The Chair notes with pleasure the presence of Senator O'Connell whose leave is cancelled.

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

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2054 (Pr. No. 3392) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; * * *," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2054.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2055 (Pr. No. 3393) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; * * *," making appropriations for carrying the same into effect; providing for a basis for payment of such appropriations; and providing a method of accounting for the funds appropriated.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2055.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2056 (Pr. No. 3394) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2056.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2059 (Pr. No. 3395) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2059.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2074 (Pr. No. 3396) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Wistar Institute-Research, Philadelphia.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2074.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman

Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2082 (Pr. No. 3397) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum and Morris Arboretum.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2082.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

HB 2088 (Pr. No. 3398) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to Thomas Jefferson University of Philadelphia, Pennsylvania for the Children's Heart Hospital, Philadelphia, Pennsylvania.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2088.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SUPPLEMENTAL CALENDAR NO. 5

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 860 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1159 (Pr. No. 2233) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "Vietnam Herbicides Information Act," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1159.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1326 (Pr. No. 2232) — The Senate proceeded to consideration of the bill, entitled:

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of turnpike extensions and improvements; conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds, notes or other obligations of the Commonwealth, payable solely from revenues of the commission, including tolls, or from such funds as may be available to the commission for that purpose, to pay the cost of such turnpikes; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the turnpikes; making such turnpike bonds, notes or other obligations exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpikes shall become free; providing for grade separations, grade changes, relocations, restorations and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 1326, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1339 (Pr. No. 2242) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), entitled "An act creating as bodies corporate and politic "Public Auditorium Authorities" in counties of the second class and in cities of the second class, singly or jointly; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain and operate public auditoriums; to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; empowering such Authorities to enter into contracts, leases and licenses with and to accept grants from private sources, the Federal Government, State, political subdivisions of the State or any agency thereof; authorizing the making of said grants from bond funds or current revenues; authorizing Authorities to collect rentals, admissions, license fees for the use of the project; exempting the property and securities of such Public Auditorium Authorities from taxation," extending the provisions of this law to cities of the second class A and counties in which a city of the second class A is located; and making editorial changes.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1339.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

SUPPLEMENTAL CALENDAR NO. 6

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AMENDED

HB 846 (Pr. No. 3429) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline, creation of a judicial council, supervision of the practice of law, financial disclosure, financial affairs of the judiciary, budgeting; and further providing for absentee voting.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 18), page 5, line 21, by inserting after "JUSTICE;": one justice of the peace appointed by the Chief Justice;

Amend Sec. 1 (Sec. 18), page 5, lines 29 and 30, by striking out "ONE JUSTICE OF THE PEACE APPOINTED BY THE GOVERNOR"

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. 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 ZEMPRELLI. Mr. President, I wonder if the Majority Leader would explain what the amendment does to House Bill No. 846?

Senator JUBELIRER. Mr. President, it gives the Chief Justice on the Judicial Board the appointment of the district justice—that is all, that is the only change in the board—instead of the Governor.

Senator ZEMPRELLI. Mr. President, as I understand it, this is an additional amendment to the earlier amendment that went into House Bill No. 846 relative to a revision of the Judicial Review Board.

The PRESIDENT pro tempore. The gentleman is correct.

Senator ZEMPRELLI. Mr. President, it would change the appointing power for the justice of the peace from the Governor to the Chief Justice of the Supreme Court?

Senator JUBELIRER. Correct, Mr. President.

Senator KELLEY. Mr. President, I just wish to call upon the notice of my colleagues that the submission of the amendment is proof positive of the justification of the reasons given why the original amendment should not have been adopted by this Body.

Mr. President, I just want to point out the very fact that within a period of a few hours we have to get a corrective amendment to the amendment that was earlier adopted. This gives proof positive of the very points that those of us who verbalized in the negative on that amendment as to why we should not have adopted it in the first place. We had the gentleman from Lancaster get up and talk about time being of the essence. We had the gentleman from Chester get up and talk about the aspect of the work that went into it.

I want to say that the record now is clear that those who were in the negative and urged negative consideration were correct. It is not a question of bragging about who was on the prevailing or right side of the issue, but the point is we must conduct ourselves with a degree of thoroughness, most particularly when we are dealing with the fundamental law of this Commonwealth. I would urge a negative vote, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would ask for a temporary Capitol leave on behalf of Senator Lloyd who is leaving to meet with some constituents in his office.

The PRESIDENT pro tempore. Is there objection to the granting of temporary leave for Senator Lloyd? The Chair sees none and the leave is granted.

And the question recurring,

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

AMENDMENT OFFERED

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

Amend Header, page 1, by striking out "A JOINT RESOLUTION" and inserting: AN ACT

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting"

Providing for the submission to the electors of the Commonwealth of a nonbinding referendum relating to the reduction of the spending of money on nuclear weapons and foreign military intervention.

Amend Bill, page 1, lines 10 through 19, pages 2 through 12, lines 1 through 30, page 13, lines 1 through 22, by striking out all of said lines on said pages and inserting:

Section 1. At the municipal or general election next following the effective date of this act, a nonbinding referendum shall be placed upon the ballot for consideration by the electors.

Section 2. The question shall be in substantially the following form:

Shall more Federal funds be made available for local jobs, improving programs such as education, housing and health care, rebuilding our industry and repairing our transportation and water systems, by significantly reducing the amount of our tax dollars spent on nuclear weapons and foreign military intervention, in that way promoting jobs with peace?

Section 3. The election shall be held in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, and the results thereof shall be disseminated to the press and the general public by the Department of State as soon as practicable.

Section 4. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

AMENDMENT RULED OUT OF ORDER

Senator JUBELIRER. Mr. President, I would again suggest the absence of germaneness. It is the same amendment we had before. I would ask for a ruling from the Chair.

The PRESIDENT pro tempore. It would be the opinion of the Chair that nothing has happened to change its ruling. The amendment is not germane.

Senator JUBELIRER. Mr. President, I would ask if the gentleman would take the same roll call in the instance of time, assuming he intends to appeal the ruling of the Chair.

Senator ZEMPRELLI. Mr. President, is it not highly irregular in the procedure that the objection comes before the offering of the amendment in terms of explaining what the amendment is?

The PRESIDENT pro tempore. The amendment was offered. The amendment is the same amendment as was offered before and the gentleman was merely hoping to be—

Senator ZEMPRELLI. Mr. President, as a matter of courtesy, I would like to know that I am a part of the proceedings so that I might, at least, say something in terms of what the amendment is before I am shot down. It is a little difficult to adjust to that kind of treatment this late at night.

The PRESIDENT pro tempore. Senator, unless the ruling of the Chair is overruled, any comments on an amendment which is out of order would be out of order.

Senator ZEMPRELLI. Mr. President, in my twenty-one years I at least had a chance to say what the amendment was. However, if you ruled it not germane, then the folks who are sitting here anxiously waiting to vote on this amendment will probably know that it has to do with the jobs for peace amendment. If the Chair has ruled that it is not germane, then I am simply going to have to accept that.

The PRESIDENT pro tempore. House Bill No. 846 will go over, as amended.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 2053**, which was placed on the Calendar.

SUPPLEMENTAL CALENDAR NO. 7

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 2053 (Pr. No. 3391) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; * * *," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 2053.

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—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 inform the House of Representatives accordingly.

CONSIDERATION OF CALENDAR RESUMED

SB 56 CALLED UP

SB 56 (Pr. No. 2203) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 56 (Pr. No. 2203) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," providing for certain simulcasting of horse races; and defining ownership interest subject to regulation.

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 56 go over in its order.

Senator ZEMPRELLI. Mr. President, according to the wishes of several of the Members of my caucus, we are objecting to this bill going over in its order.

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 56 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator HOLL. Mr. President, for the record, I will not talk about the propriety of the bill or the content. I would like to, for the record, defend myself for the future so I have something that substantiates why I am saying this.

The PRESIDENT pro tempore. Senator, if I may, at the moment there is a motion that the bill go over. If it goes over, you will have the opportunity to discuss this on Petitions and Remonstrances. If it does not go over and the bill comes up for action, you will have the opportunity to discuss that at that time. At this point, the only matter which is proper for debate is the propriety of postponement of the bill.

PERSONAL PRIVILEGE

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

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

Senator HOLL. Mr. President, I am again lost. I am not clear at all as to what you are saying.

The PRESIDENT pro tempore. Senator Holl, it is the opinion of the Parliamentarian, to which I readily accede, that on a point of personal privilege you should be permitted to make the statement which the Chair already knows you are about to make. Please do so.

Senator HOLL. Mr. President, I am not trying to secure anything that I should not receive here and I am not asking for latitude on the Rule. However, I assume no responsibility for Senate Bill No. 56 as it is now before the Senate, which indicates I am the sponsor of the content which I did not

sponsor. This is a total departure from the bill that passed the Senate and went to the House. I will speak later on this matter when it is proper.

The PRESIDENT pro tempore. It is quite proper, however, for the Senator to note that the subject matter of the bill is entirely different from the bill which he originally sponsored. There is no way in the procedure to this point for his name to be removed from the bill, even though the subject matter is totally different from the bill which he introduced.

PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, the point of parliamentary inquiry is as to whether or not a constitutional point of order would be in order?

The PRESIDENT pro tempore. Is the gentleman stating a parliamentary inquiry or a constitutional point of order?

Senator KELLEY. Mr. President, I am making a parliamentary inquiry as to the propriety of raising a constitutional point of order where there would be a violation of the constitutional prohibition to both houses that no bill would be amended to change its original purpose during its course. Therefore, I raise the question as to whether we in this Body can raise that constitutional point of order because the constitutional privilege prevails as to both of us.

The PRESIDENT pro tempore. Senator, each house determines constitutionality for itself. The Senate must accept the bill as it comes from the House. As it comes from the House it appears to be constitutional so far as the Senate is concerned.

Senator KELLEY. Mr. President, that is my understanding.

Senator O'CONNELL. Mr. President, I urge support of the motion requesting the bill go over.

Senator LOEPER. Mr. President, I would disagree with my colleague from Luzerne, and I would oppose the motion that the bill go over and ask my colleagues for a negative vote.

LEGISLATIVE LEAVE CANCELLED

Senator LLOYD. Mr. President, I would like the record to note that I have returned to the floor and will no longer require temporary Capitol leave.

The PRESIDENT pro tempore. Thank you, Senator Lloyd. It is nice to have you back.

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

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—22

Brightbill	Holl	Lloyd	Rocks
Corman	Hopper	Moore	Romanelli
Fumo	Kelley	O'Connell	Shaffer
Greenleaf	Kratzer	Pecora	Shumaker
Helfrick	Kusse	Rhoades	Snyder
Hess	Lewis		

NAYS—24

Bell	Jubelirer	O'Pake	Stout
Bodack	Lincoln	Reibman	Street
Early	Loeper	Scanlon	Tilghman
Fisher	Lynch	Singel	Wenger
Hager	Mellow	Stapleton	Williams
Hankins	Musto	Stauffer	Zemprelli

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

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 56.

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

QUESTION DIVIDED

Senator LEWIS. Mr. President, I ask for a division of the question, to be separated into two parts, with one part representing the entirety of the bill through line 25 on page 6 and the second part of the question representing the balance of the bill commencing with line 26 on page 6 and running through line 11 on page 7. I ask that the latter portion be voted first.

The PRESIDENT pro tempore. Senator Lewis asks that the question be divided into two questions, one being all of the bill to page 6, line 25 and the second question being line 26 on page 6 through the balance of the bill, and he asks that the second portion of the bill be voted first.

Senator LEWIS. Mr. President, stated very simply, it is my understanding this bill contains two issues, one of which has generally been referred to as the 5 percent stock issue. That is the item contained from the beginning of the bill through the middle section of page 6. The second issue is, again, generally referred to as the thirty-five mile telephone radius issue. That is the one contained in the language beginning on line 26 of page 6. It is the thirty-five mile telephone radius issue that I have asked to have voted first and then the 5 percent stock issue to have voted secondly.

The PRESIDENT pro tempore. On the question, shall the Senate concur in that portion of the bill: referring to the thirty-five mile radius, that being line 26 and following on page 6?

Senator O'CONNELL. Mr. President, I support the motion of the Senator from Bucks County and request an affirmative vote.

And the question recurring,
Will the Senate concur in the second portion of the bill?

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

YEAS—47

Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow	Shumaker	

NAYS—0

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

On the question,
Will the Senate concur in the first portion of the bill?

RECONSIDERATION OF SECOND PORTION OF BILL

Senator O'CONNELL. Mr. President, I move that the Senate do now reconsider the vote by which the second portion of the bill was concurred in.

The PRESIDENT pro tempore. The question recurs, will the Senate concur in line 26 beginning on page 6 of the bill and following through to the end of the bill?

PARLIAMENTARY INQUIRY

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

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

Senator FISHER. Mr. President, is a bill on concurrence in House amendments divisible?

The PRESIDENT pro tempore. It is, Senator.

Senator FISHER. Mr. President, can the Chair cite that portion of the Rule which would allow a concurrence vote to be divisible?

The PRESIDENT pro tempore. The Chair is informed by the Parliamentarian that there are innumerable precedents for the procedure and there is no apparent Rule of the Senate on the issue, but there is in Mason's and the Parliamentarian will provide it for us in a moment.

Senator FISHER. Mr. President, if the bill is divided as it is before the Senate and one of the parts is approved and the other part is not approved, is it not a fact that neither part can stand on its own?

The PRESIDENT pro tempore. The bill will be returned to the House concurred in in part and nonconcurred in in part.

Senator FISHER. Mr. President, is it not the appropriate procedure to concur in a specific amendment that was inserted, as opposed to dividing the bill on concurrence?

The PRESIDENT pro tempore. No, Senator.

Senator ZEMPRELLI. Mr. President, I know it is late and I understand that everybody has been stretched a little bit, but if concurrence is to be for less than the full amount of the bill, how would you possibly be able to do that without suspending

the Rules in any fashion to make an amendment? Is the Chair positive that you can divide the issue?

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that he, at least, is positive.

The Parliamentarian calls to the attention of the Chair that there is a reconsideration on the second portion of the bill which is, as you will recall, Senator, on the thirty-five mile radius. The vote is really upon the second portion of the bill again, which has already been taken, but we will take it again at the request of Senator O'Connell.

On the question, those voting "aye," vote to concur in the second portion of the bill, those voting "no," vote against concurrence.

And the question recurring,
Will the Senate concur in the second portion of the bill?

Senator O'CONNELL. Mr. President, I request a negative vote.

Senator LOEPER. Mr. President, I would ask for concurrence and ask for an affirmative vote.

And the question recurring,
Will the Senate concur in the second portion of the bill?

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

YEAS—33

Andrezeski	Kelley	Musto	Stapleton
Bell	Lewis	O'Pake	Stauffer
Bodack	Lincoln	Reibman	Stout
Early	Lloyd	Rhoades	Street
Fisher	Loeper	Rocks	Tilghman
Greenleaf	Lynch	Romanelli	Wenger
Hager	Mellow	Scanlon	Williams
Hankins	Moore	Singel	Zemprelli
Jubelirer			

NAYS—14

Brightbill	Hess	Kusse	Shaffer
Corman	Holl	O'Connell	Shumaker
Fumo	Hopper	Pecora	Snyder
Helfrick	Kratzer		

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

The PRESIDENT pro tempore. The question now recurs on the first portion of the bill, page 1 through 6, line 25.

And the question recurring,
Will the Senate concur in the first portion of the bill?

Senator O'CONNELL. Mr. President, I would request a negative vote on the first part of the bill.

Senator LOEPER. Mr. President, I would ask the Members for an affirmative vote noting that if this section should be nonconcurred in, that rather than going to the Governor, this bill would have to return to the House of Representatives which already is in recess. Again, I would ask for an affirmative vote.

Senator RHOADES. 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 RHOADES. Mr. President, on the 5 percent, would the gentleman explain what that means in terms of the stockholders?

Senator O'CONNELL. Mr. President, what I believe this does is eliminate a requirement that exists now and reduces it to 5 percent of the total stock to be owned by one individual stockholder.

Senator RHOADES. Mr. President, would that mean that anyone who owns 5 percent or less does not have to file an affidavit?

Senator O'CONNELL. Mr. President, that is precisely correct.

Senator RHOADES. Mr. President, would we have any way of knowing who these people would be in any way, shape or form?

Senator O'CONNELL. Mr. President, in the bill, I believe, it does require a filing with the commission at some given time of all of the stockholders, but it does one other thing too, Senator, it removes the requirements for fingerprinting and affidavits.

Senator ROCKS. Mr. President, would the gentleman from Luzerne, Senator O'Connell, be willing to continue his interrogation?

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

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

LEGISLATIVE LEAVE

The PRESIDENT pro tempore. If I may interject, Senator Lewis is requesting a temporary Capitol leave for himself. Is there objection to that leave? The Chair hears none and that leave will be granted.

And the question recurring,
Will the Senate concur in the first portion of the bill?

Senator ROCKS. Mr. President, when you say that this changes the current requirement, could you tell me if that requirement is a matter of law or is it a rule now of the Racing Commission?

Senator O'CONNELL. It is my understanding, Mr. President, that it is a matter of law, but one that has apparently been circumvented by the commission for a number of years.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Lancaster, Senator Snyder, will state it.

Senator SNYDER. Mr. President, is a vote "aye" a vote that retains the first several pages, and a vote "no" would delete those pages in the bill?

The PRESIDENT pro tempore. On the question of concurrence, an "aye" vote would vote to concur on these first several pages, and a negative vote would vote against concurrence.

And the question recurring,
Will the Senate concur in the first portion of the bill?

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

YEAS—29

Bell	Helfrick	Moore	Snyder
Bodack	Jubelirer	Musto	Stauffer
Brightbill	Lincoln	O'Connell	Stout
Early	Lloyd	Pecora	Tilghman
Fisher	Loeper	Rocks	Wenger
Greenleaf	Lynch	Ross	Williams
Hager	Mellow	Singel	Wilt
Hankins			

NAYS—16

Andrezeski	Holl	Kusse	Romanelli
Corman	Hopper	Lewis	Shaffer
Fumo	Kelley	O'Pake	Shumaker
Hess	Kratzer	Rhoades	Stapleton

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.

RECONSIDERATION OF SB 56

Senator O'CONNELL. Mr. President, I request a suspension of the Rules in order to offer an amendment.

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

The PRESIDENT pro tempore. Senator, there is no bill before the Senate at this point. The entire bill having been concurred in, you would have to reconsider both votes to put the bill before us so that you could offer an amendment to it.

Senator O'CONNELL. Mr. President, I know the hour is late, but I would ask for reconsideration of that vote in order to offer an amendment.

The PRESIDENT pro tempore. It would take a reconsideration of both votes on both sections of the bill, Senator.

Senator O'CONNELL. Whatever is required I would request, Mr. President.

The PRESIDENT pro tempore. Senator O'Connell moves to reconsider the votes by which the entire bill was concurred in.

The motion was agreed to.

And the question recurring,
Will the Senate concur in House amendments?

MOTION TO SUSPEND RULES

Senator O'CONNELL. Mr. President, I move to suspend Senate Rule XV for the purpose of offering Senate amendments to House amendments to Senate Bill No. 56.

The PRESIDENT pro tempore. The motion is not debatable.

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

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, if the issue before this Chamber is a reconsideration of the vote by which a bill passed or did not pass, how does it now become the subject matter of the suspension of the Rules to consider amendments? Is it not true that the only issue before this Body is a vote on the reconsideration?

The PRESIDENT pro tempore. No, that is already done, Senator. The Senate has voted to reconsider. What is before the Body right now is the necessity of suspending the Rules, and the motion is to suspend the Rules in order to amend House amendments to a Senate bill which is here on concurrence.

Senator ZEMPRELLI. Mr. President, perhaps I did not make my point as clearly as I may have. I understand the bill was reconsidered. The point that I raise is once having been reconsidered, is it not the only action before this Body a vote on the bill once reconsidered?

The PRESIDENT pro tempore. No, the question recurs, will the Senate concur? On that the Chair recognized Senator O'Connell who moved to suspend the Rules for purposes of amending House amendments to a Senate bill here on concurrence.

Senator ZEMPRELLI. Mr. President, may I approach the bar for a second?

The PRESIDENT pro tempore. Yes, Senator.

I think the matter is now clear. The issue before the Senate is, shall the Senate suspend Rule XV so that Senator O'Connell may offer amendments to House amendments to a Senate bill now on concurrence before the Senate? The question is not debatable.

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

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

YEAS—13

Fumo	Holl	O'Connell	Rhoades
Greenleaf	Kelley	Pecora	Shaffer
Hager	Kratzer	Reibman	Shumaker
Hess			

NAYS—32

Andrezeski	Helfrick	Mellow	Snyder
Bell	Hopper	Moore	Stapleton
Bodack	Kusse	Musto	Stout
Brightbill	Lewis	O'Pake	Street
Corman	Lincoln	Rocks	Tilghman
Early	Lloyd	Romanelli	Wenger
Fisher	Loeper	Scanlon	Williams
Hankins	Lynch	Singel	Zemprelli

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

And the question recurring,
Will the Senate concur in House amendments?

Senator O'CONNELL. Mr. President, I have been in the Legislature for eighteen years and this is the second time I have witnessed this. Both times it happened to be in this Chamber where that privilege and permission was denied. I will try to be understanding with my colleagues, having realized the week was long, the days were long and the situation is difficult. But, I do not want to hear any outbursts from anybody in the future when they receive the same treatment.

LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request temporary Capitol leaves for Senator Jubelirer and Senator Stauffer who are in the Governor's Office.

The PRESIDENT pro tempore. Is there an objection to the granting of temporary Capitol leaves for Senators Jubelirer and Stauffer? The Chair hears none and those leaves are granted.

And the question recurring,
Will the Senate concur in House amendments?

The PRESIDENT pro tempore. May the Chair divide the questions and take the same vote on each issue as took place before?

And the question recurring,
Will the Senate concur in the second portion of the bill?

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

YEAS—33

Andrezeski	Kelley	Musto	Stapleton
Bell	Lewis	O'Pake	Stauffer
Bodack	Lincoln	Reibman	Stout
Early	Lloyd	Rhoades	Street
Fisher	Loeper	Rocks	Tilghman
Greenleaf	Lynch	Romanelli	Wenger
Hager	Mellow	Scanlon	Williams
Hankins	Moore	Singel	Zemprelli
Jubelirer			

NAYS—14

Brightbill	Hess	Kusse	Shaffer
Corman	Holl	O'Connell	Shumaker
Fumo	Hopper	Pecora	Snyder
Helfrick	Kratzer		

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

And the question recurring,
Will the Senate concur in the first portion of the bill?

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

YEAS—29

Bell	Helfrick	Moore	Stapleton
Bodack	Jubelirer	Musto	Stauffer
Brightbill	Lincoln	O'Pake	Street
Early	Lloyd	Rhoades	Tilghman

Fisher	Loeper	Romanelli	Wenger
Greenleaf	Lynch	Scanlon	Williams
Hager	Mellow	Singel	Zemprelli
Hankins			

NAYS—16

Andrezeski	Holl	Kusse	Rocks
Corman	Hopper	Lewis	Shaffer
Fumo	Kelley	O'Connell	Shumaker
Hess	Kratzer	Reibman	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 inform the House of Representatives accordingly.

SUPPLEMENTAL CALENDAR NO. 8

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 846 (Pr. No. 3430) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline, creation of a judicial council, supervision of the practice of law, financial disclosure, financial affairs of the judiciary, budgeting; and further providing for absentee voting.

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?

LEGISLATIVE LEAVES

Senator SCANLON. Mr. President, may I request temporary Capitol leaves for Senator Zemprelli and Senator Lewis who are on their way to the Governor's Office.

The PRESIDENT pro tempore. Is there objection to the granting of temporary Capitol leaves for Senator Zemprelli and Senator Lewis? The Chair hears none and those leaves are granted.

And the question recurring,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Snyder
Brightbill	Jubelirer	O'Connell	Stapleton
Corman	Kelley	O'Pake	Stauffer
Early	Kratzer	Pecora	Stout
Fisher	Kusse	Reibman	Street
Fumo	Lewis	Rhoades	Tilghman

Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	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 with amendments in which concurrence of the House is requested.

CONSIDERATION OF CALENDAR RESUMED

SB 750 CALLED UP

SB 750 (Pr. No. 2145) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator MOORE.

BILL OVER IN ORDER TEMPORARILY

SB 750 (Pr. No. 2145) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the temporary assignment of Philadelphia Municipal Court Judges, for payment by the Commonwealth of the costs and expenses incurred in trials resulting from multicounty investigating grand jury indictments and for interpreters for certain deaf persons in civil proceedings; further providing for budgets; further providing for reimbursement for certain costs; precluding a defense in actions for support; precluding actions for wrongful birth and wrongful life; and precluding a defense against claims for injuries sustained in utero.

Senator MOORE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 750.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

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

The PRESIDENT pro tempore. The gentleman from Butler, Senator Shaffer, will state it.

Senator SHAFFER. Mr. President, should I get a call to go to the Governor's Office, can I have leave?

The PRESIDENT pro tempore. Senator, it would be the opinion of the Chair you would be correct in asking whoever is manning the desk at the Majority side of the aisle to ask for that leave, and it would be the opinion of the Chair, based upon their past performance, which has always been exemplary, that the Minority Members and remaining Majority Members would grant that leave.

Senator SCANLON. Mr. President, may we go over Senate Bill No. 750 until the gentleman from Allegheny, Senator Zemprelli, returns?

The PRESIDENT pro tempore. Without objection, Senate Bill No. 750 will go over temporarily.

HB 1177 CALLED UP

HB 1177 (Pr. No. 3383) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator MOORE.

BILL REREPORTED FROM COMMITTEE AS AMENDED RECOMMITTED

HB 1177 (Pr. No. 3383) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Horse Race Industry Reform Act," defining ownership interest subject to regulation; restricting the power of the commission relating to night racing; further regulating interstate simulcasting of horse races; and further providing for the conduct of wagering.

Upon motion of Senator MOORE, and agreed to, the bill was recommitted to the Committee on State Government.

SB 750 CALLED UP

SB 750 (Pr. No. 2145) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator SCANLON.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 750 (Pr. No. 2145) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the temporary assignment of Philadelphia Municipal Court Judges, for payment by the Commonwealth of the costs and expenses incurred in trials resulting from multicounty investigating grand jury indictments and for interpreters for certain deaf persons in civil proceedings; further providing for budgets; further providing for reimbursement for certain costs; precluding a defense in actions for support; precluding actions for wrongful birth and wrongful life; and precluding a defense against claims for injuries sustained in utero.

MOTION TO SUSPEND RULES

Senator SCANLON. Mr. President, I move to suspend Rule XV to offer Senate amendments to House amendments to Senate Bill No. 750.

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

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—14

Brightbill	Lewis	Stauffer	Williams
Hager	Reibman	Stout	Wilt
Hankins	Rhoades	Street	Zemprelli
Jubelirer	Snyder		

NAYS—33

Andrezeski	Hess	Loeper	Romanelli
Bell	Holl	Lynch	Scanlon
Bodack	Hopper	Mellow	Shaffer
Corman	Kelley	Moore	Shumaker
Early	Kratzer	Musto	Singel
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lincoln	Pecora	Tilghman
Greenleaf	Lloyd	Rocks	Wenger
Helfrick			

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

And the question recurring,
Will the Senate concur in House amendments?

WIFE OF SENATOR SCANLON PRESENTED TO SENATE

The PRESIDENT pro tempore. Members of the Senate, the Chair once again exerts a special privilege to introduce to the Members of the Senate today's queen of the Senate—with apologies to Senator Reibman—at least our western queen, Ann Scanlon.

Ann, if you would please stand, the Members of the Senate would like to say hello to you.

(Applause.)

Senator SCANLON. Mr. President, after that resounding defeat, I am glad you did that.

The PRESIDENT pro tempore. Senator, that only shows they approve more of Mrs. Scanlon than Senator Scanlon.

Actually, Members of the Senate, the Senate is very much indebted to Ann and her children who are responsible for the Christmas present of a recording session to Gene which has, for some of us, given us many, many pleasant hours of listening to the Senator sing. We thank you for that, Ann.

And the question recurring,
Will the Senate concur in House amendments?

Senator MOORE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 750.

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

Senator ROCKS. Mr. President, the wrongful birth and wrongful life language in the House amendments to Senate Bill No. 750 is identical to the Senate bill which was introduced by fourteen Senators in this Chamber. It is extremely important legislation and I would ask for concurrence in these amendments.

The emergence of wrongful birth and wrongful life lawsuits is a relatively recent development. Since Pennsylvania is one of eleven states which have, up until now, entertained such suits, it is very important for this General Assembly to come to grips with their public policy implications before the trend toward these suits is allowed to accelerate. I believe, Mr. President, this issue has been before us long enough that albeit a technical and legal issue, the importance of the issue to the whole sanctity of life debate in our state is clearly understood by us as the bill comes before us tonight. I would hope, Mr. President, we would join with the House in concurrence in the amendments and pass finally Senate Bill No. 750.

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

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—32

Andrezeski	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Kelley	O'Pake	Singel
Corman	Kusse	Pecora	Snyder
Early	Lincoln	Rhoades	Stapleton
Fisher	Lloyd	Rocks	Stout
Fumo	Loeper	Romanelli	Wenger
Greenleaf	Lynch	Scanlon	Zemprelli

NAYS—15

Brightbill	Hopper	Moore	Tilghman
Hager	Jubelirer	Reibman	Williams
Hankins	Kratzer	Stäuffer	Wilt
Hess	Lewis	Street	

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

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

SB 1378 CALLED UP

SB 1378 (Pr. No. 1976) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

SB 1378 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

UNFINISHED BUSINESS

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator JUBELIRER offered the following resolution, which was read, considered and adopted:

In the Senate, June 29, 1984.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 17, 1984 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, September 17, 1984 unless sooner recalled by the Speaker.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1102**, with the information that the House has passed the same without amendments.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 6**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 853**, with the information that the House has concurred in Senate amendments to House amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 630, 902, 1310 and 1898**.

COMMITTEE OF CONFERENCE APPOINTED ON SB 1326

The PRESIDENT pro tempore. The Chair announces the appointment of Senators KUSSE, SHAFFER and STOUT as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 1326.

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

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 the Reverend Joseph V. Kurutz by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Walter H. Weaber by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Angelo Ciavarella Cavell by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Oscar S. Douth, Mr. and Mrs. Dominick Grando, Mr. and Mrs. Albert Takosky, Mr. and Mrs. Eugene Weiss and to Mr. and Mrs. August Camerlo by Senator Early.

Congratulations of the Senate were extended to Ethel Davies by Senator Fisher.

Congratulations of the Senate were extended to Southern York County School District and its Superintendent Richard D. Hupper by Senator Hess.

Congratulations of the Senate were extended to Michael Weinberg by Senator Lloyd.

Congratulations of the Senate were extended to Neil Manone and to Anna Sfetsios by Senator Loeper.

Congratulations of the Senate were extended to Gina Major by Senator O'Connell.

Congratulations of the Senate were extended to Joy Zelek, Joseph A. Provenza and to Mr. and Mrs. William Kenneth Cyphert by Senator Pecora.

Congratulations of the Senate were extended to St. Michael's Ukrainian Catholic Church of Shenandoah by Senator Rhoades.

Congratulations of the Senate were extended to Mrs. JoAnn Meehan, Martin J. "Doc" Barsotti, Dr. Walter D. Dickson, Reverend and Mrs. Paul Schnur, Mr. and Mrs. Clifford Johnson and to Mr. and Mrs. Carl Lersch by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. John Sneath by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Jimmy O'Hara, Mr. and Mrs. J. Robert Reed, Mr. and Mrs. Michael Rovnyak, The Reverend Dr. and Mrs. John Kautz, Mr. and Mrs. Roy Peterman, Mr. and Mrs. Howard McCracken, Mr. and Mrs. Eugene D. Smith and to Mr. and Mrs. J. Millard Frye by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Grimes by Senator Stout.

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 6, 56, 750, 853, 987, 1080, 1083, 1102, 1159, 1217, 1239, 1339, 1340, HB 630, 690, 902, 1310, 1551, 1898, 2057, 2058, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2072, 2073, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2083, 2084, 2085, 2086, 2087, 2089, 2090, 2091, 2092 and 2114.

PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, earlier this evening on two separate occasions with two separate legislative items, it was determined an amendment was not germane. The amendment was the Jobs for Peace amendment. I will not again read this amendment into the record. It has been published. It has been on the ballot in Pittsburgh. It has been on the ballot in Philadelphia. It has been on the ballot in sixty-five municipalities in this area.

Mr. President, late last night and early this morning the Members of this Senate overwhelmingly passed the budget bill that addresses a number of important needs facing this Commonwealth, needs such as job development, job training, educational improvements, health and nutrition, housing and human services and transportation and capital investment. The \$8.5 billion budget which this Chamber passed last night addresses those needs and the needs of Pennsylvania's citizens, but I would ask everyone here in this Body to imagine how much more we could have provided for in all those areas from job development to human services if we had \$2 billion more to devote to these programs. I know no one here seriously believes that \$2 billion is just going to miraculously appear from out of thin air and fill our state treasury, but what we are talking about in an amendment that considers the Jobs for Peace referendum is exactly that, \$2 billion. That is the amount of money which Pennsylvania has lost over the past three years in federal aid through transfers of funds from domestic programs to military spending.

Why should we be considering this amendment today? Mr. President, the facts speak for themselves. Pennsylvania has lost \$39 million in child nutrition funds, \$92 million in funds for educationally deprived children, \$47 million for housing, \$34 million for vocational education, \$781 million for employment and job training and, Mr. President, the list goes on. I am not saying that adopting a referendum will miraculously restore this \$2 billion deficit to our Commonwealth's coffers, but what it will do is send a clear signal to Washington that we here in Pennsylvania believe in sound, adequately funded programs for job training, human services and education, just as much as we believe in a strong defense.

It would also send the signal, Mr. President, that we feel our federal tax dollars should not be spent propping up every two-bit dictator in Latin America when some of these same tax dollars could be spent propping up our failing smokestack industries here in Pennsylvania. Instead of using these federal tax dollars to mine harbors abroad, we could use them to mine coal and other minerals that are in abundant supply here in Pennsylvania to help meet our growing energy needs. Mr.

President, voting for a referendum and allowing a referendum to appear on a ballot is a form of training young minds here in Pennsylvania to meet the challenges of the eighties instead of training foreign troops to fight wars across the globe.

I would also like to point out, Mr. President, that it is wrong to construe this public question as either a referendum on the current administration in Washington or a call for unilateral disarmament, objections which the referendum's detractors put forth.

Fortunately, the days when criticism is taken as a sign of disloyalty to either country or party are no longer with us. A thoughtful Republican today need not feel obliged to accept uncritically every program of his President or Governor. Is it not, rather, the loyal Republican or Democrat who seeks to correct the errors of his party's leaders?

Certainly, we do not seek to jeopardize the nation's security only to redress some of the excesses that partially account for this state's economic woes. But what reasons are offered, in conclusion, to justify this stonewalling? Are we sometimes told that this measure, because it is popularly initiated, threatens the basis of representative democracy which we as elected, voted in office officials represent? Are we to believe the unwillingness to debate this measure enhances our representative institutions? I think not. If our critics have faith in the validity of their objections to the referendum, let them present their case in the forum that is designed for that purpose.

It was John Stuart Mill, the nineteenth century British philosopher, whose thoughts on liberty are the cornerstone of our democratic process who so eloquently stated: "If an opinion be true, what harm can there be in discussing it freely? If it be but part of the truth, free discussion is the only way in which it can be decided how large a part of the truth it embodies."

Senator BELL. Mr. President, I do not have to be as eloquent or as lengthy as my predecessor. I do not have to quote John Stuart Mill. I am going to quote Clarence Bell, and my position on this subject that the gentleman just discussed. I will go 1,000 percent for Jobs for Peace if we can have bilateral disarmament, if we can have Russia also participating and if we can have adequate inspection. This is not just Clarence Bell speaking, it is also the Pennsylvania Veterans Council composed of all those men and women who have worn the uniform of our country.

Senator ZEMPRELLI. Mr. President, I feel very disappointed that while I was at the Governor's Office receiving accolades as to the cooperation of all the caucuses in bringing to a conclusion the budget this year with the joint efforts of all involved, that upon my return I found Senate Bill No. 1378 had been gone over temporarily with everybody's knowledge for the purpose of offering certain amendments dealing with oil divorcement. Upon my return I found that knowing that, those who were in charge of running this show here tonight would allow this bill to go over on motion having had that understanding. I am extremely disappointed. It has been something our staff has worked with a great deal and for a long period of time. Simply, the bill that would be amended

was on second consideration, and all it would do would be to stand there to remind everybody concerned that this is a subject matter that needs to be dealt with. My disappointment is more to the fact that it is rather routine around here that you go over bills temporarily knowing there are amendments to be offered. It is disappointing that this Session would end on this sour note wherein when I returned to the floor I find a bill that I have a great deal of interest in was gone over.

Senator HOLL. Mr. President, I regret that the gentleman from Allegheny, Senator Zemprelli, has experienced this sad ending to this Session. However, I have always found it difficult in the twenty-five or more years that I have been here that the leaders seem to jump whenever the Governor would whistle. Here is another time that we paid the consequences in having jumped when the Governor whistled.

I did not rise for that purpose, Mr. President. I wanted to have in the record more complete details on Senate Bill No. 56. Senate Bill No. 56 was introduced on January 17th and I am the prime sponsor. It went to the House and on June 27th it was not only amended, it was totally changed. Not one word of the original bill is in the existent Printer's No. 2203 which was before the Senate tonight. I disclaim any part or any action in this particular piece of legislation which has to do with horse racing. The original bill simply had to do with the reform in the auditing practices of the Auditor General. I regret very much that this is possible where one Body can totally change a piece of legislation and yet retain the so-called sponsorship of that piece of legislation. It is not only dangerous, it is critical. I think the Rules of both Bodies should be changed because either Body could take a perfectly innocent bill and change it in such a way to, maybe, include abortion or liquor control or something that is very volatile and controversial and, therefore, cause great damage and concern to an individual whose name might be stuck on that piece of legislation.

Senator JUBELIRER. Mr. President, at the beginning of the week, and that seems like years ago at this point, I can remember vaguely saying to the Members what I thought this week was going to be like. I think, as I recall, I asked for their indulgence, their patience, their understanding and, I think, even their prayers at that time to get through what I expected to be a most difficult, complex and quite full week. I think my predictions were as accurate as could be, and in an unusual situation where my predictions are usually not very accurate, it was a very difficult week.

I want to take this opportunity, Mr. President, first, to thank the Members for their forbearance and their patience which we tried and wore thin, I am sure. On both sides of the aisle cooperation was, indeed, the hallmark. If there was exception, it was that we are a deliberative Body, recognizing in a free society that certain things are going to take place within the Rules that one has to expect from time to time.

As I recall, Mr. President, from the very beginning when the budget was revealed in December at the Governor's home by the Secretary of the Budget Bittenbender, it was a bipartisan response to that preliminary effort that took place from

the representatives of the Democratic majority in the House and the Democratic minority in the Senate. Mr. President, it was shortly thereafter that we began to walk the way of economic development legislation provided by a \$190 million bond issue. Again, we walked at a bipartisan stance and we worked together. Tonight, Mr. President, culminates those efforts, the efforts of every Member of this Body working with the staff and with the Administration trying to effect a budget on time and trying to recognize that Pennsylvania, indeed, among the fifty states, had significant problems with keeping up with the recovery. I believe, Mr. President, every Member of this Body has a right to feel proud of his or her effort in that direction.

I feel I must pay high tribute to my counterpart on the other side of the aisle, the gentleman from Allegheny, Senator Zemprelli, for the effort he put forth, not only throughout this difficult year but throughout this difficult week as well. Even though we may have our differences and, perhaps, those differences are played up from time to time, I think all of us want what is best for the Commonwealth of Pennsylvania. How we get there may differ, but we do try to get there just the same.

Mr. President, I recognize there are those who walked out of here tonight feeling that, perhaps, they did not get everything they wanted and, perhaps, because of the long hours we have spent this week, their patience has worn even thinner.

I hope as the summer goes on each Member will take that opportunity to refresh himself or herself, and they will have a good, healthy and productive summer and as we come back this fall we will be prepared to finish up in this Session of the General Assembly those things that still remain to be done.

Senator SNYDER. Mr. President, I think a word of praise ought to be said for the leadership. I am thinking particularly of the Majority leadership but it also applies to the Minority. They have an increasingly complex responsibility. I have seen this developed through the years here with the closing of each Session due to the development of the Rules and the procedures, it is getting rougher each time, but I think they do a very magnificent job. Those of us who have the privilege much of the time of sitting and waiting and choosing what we want to get active in and what we want to ignore, have to remember they have to be on the ball 100 percent of the time. I think a certain amount of errors can be expected along with a good number of hits and home runs. I think we will all be surprised when we read the morning papers what all we did. It usually works out that way, where we do not realize the great things we have done here in the last few days, particularly, until we see it summarized.

I think, again, the leadership ought to be praised particularly for its patience. I have heard that in caucus and in Session and too much praise cannot be accorded that.

The PRESIDENT pro tempore. The Chair thanks the gentleman and takes the privilege of reminding those Members of the Senate who are still within my voice that no matter who it is in the Senate who decides that he wants to deal with a certain issue, the very, very many Members of all of the

support staff of this institution are forced to deal with each and every one of those issues, and for their unfailing courtesy, their willingness and their professionalism, on behalf of all the Members of the Senate, the President pro tempore would like to say thank you to all of the personal staff, the legal staff, all of the service offices of the Senate and everyone who serves those of us here who attempt to serve those who elect us. Thank you, one and all.

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Saturday, June 30, 1984, at 9:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 10:55 p.m., Eastern Daylight Saving Time.