

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 30, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 46

SENATE

TUESDAY, June 30, 1981.

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

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

PRAYER

The Chaplain, the Reverend RICHARD DOWHOWER, Pastor of Trinity Lutheran Church, Camp Hill, offered the following prayer:

O God of our fathers, we acknowledge You to be the supreme governor of all of Your creation.

Your glory shines through all the world.

We commend the Commonwealth of Pennsylvania to Your continued merciful care, that we may live securely in peace and be guided by Your providence.

Give to this legislative Body the wisdom and strength to know Your will and the courage to do it. Help them, O Lord, to remember they are called to serve the people as lovers of truth and justice.

Move every human heart by the power of Your spirit that the barriers which tend to divide us may crumble, suspicions disappear, hatred cease and that our divisions be healed that we might walk in peace and justice.

We thank You, O Lord, for making the fruitful earth produce what is needed for life. Bless those who work the fields. Give us favorable weather and grant that we may all share in the fruits of the earth, rejoicing in Your goodness.

Look with pity, O heavenly Father, upon the people of this Commonwealth who may live in injustice, terror, disease and with death as their constant companion. Have mercy upon them and us. Help us to eliminate cruelty to these our neighbors.

Strengthen these Senators and their staff members that they may establish equal protection of the law and equal opportunities for all.

Grant that every one of us may enjoy a fair portion of the abundance of this land. Give us wisdom and reverence in our use of the resources of nature that no one may suffer from our abuse of them and that generations yet to come may continue to praise You for Your bounty.

We offer these petitions, O heavenly Father, in the faith traditions of old and new testament alike. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

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

SENATOR JUBELIRER TO VOTE FOR
SENATOR STAUFFER

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Stauffer, who is attending a meeting of legislative business in his office at this time.

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

SENATOR SCANLON TO VOTE FOR
SENATOR SMITH AND SENATOR MELLOW

Senator SCANLON. Mr. President, I request a legislative leave for Senator Smith and a temporary legislative leave for Senator Mellow, who is having a meeting in his office.

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

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 406**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 1284**, which was referred to the Committee on Judiciary.

He also presented for concurrence **HB 230**, which was referred to the Committee on Transportation.

He also presented for concurrence **HB 945**, which was referred to the Committee on Urban Affairs and Housing.

GENERAL COMMUNICATIONS**LISTS OF LOBBYISTS AND ORGANIZATIONS**

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

SENATE OF PENNSYLVANIA

June 30, 1981

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from June 1, 1981 through June 30, 1981 inclusive for the 165th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
W. THOMAS ANDREWS
Secretary of the Senate
JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

RESIGNATION OF STANLEY I. RAPP

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

SENATE OF PENNSYLVANIA

June 30, 1981

Honorable Henry G. Hager
President Pro Tempore
Pennsylvania Senate
292 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Senator Hager:

Effective June 30, 1981, I hereby resign as Chief Clerk of the Pennsylvania Senate.

Sincerely,
STANLEY I. RAPP

RESIGNATION OF W. THOMAS ANDREWS

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

SENATE OF PENNSYLVANIA

June 30, 1981

The Hon. Henry G. Hager
President Pro Tempore
292 Main Capitol Bldg.
Harrisburg, PA 17120

Dear Sen. Hager:

This is to advise you that I am resigning as Secretary of the Senate of Pennsylvania effective June 30, 1981.

Please accept my kindest regards both for yourself and for the other members of the Senate. It has been a pleasure serving you as Secretary, and I certainly extend to the Senate and its members my best wishes during the balance of this session.

If I am able to serve you in the future, please feel free to contact me.

Yours truly,
W. THOMAS ANDREWS
Secretary

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Local Government, reported, as committed, **SB 514, 585, HB 127, 428, 1065, 1202 and 1210.**

Senator GREENLEAF, from the Committee on Law and Justice, reported, as committed, **SB 535 and 637;** as amended, **SB 700.**

BILLS INTRODUCED AND REFERRED

Senators O'CONNELL, STAPLETON, RHOADES, LINCOLN, HOPPER, STREET, MOORE, O'PAKE, HESS, LYNCH and HELFRICK presented to the Chair **SB 962**, entitled:

An Act providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities; imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets.

Which was committed to the Committee on STATE GOVERNMENT, June 30, 1981.

Senator STOUT presented to the Chair **SB 963**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing a route in Greene County.

Which was committed to the Committee on TRANSPORTATION, June 30, 1981.

Senators STOUT, PECORA, MOORE, BODACK, MURRAY, ROMANELLI, HELFRICK, O'CONNELL, ANDREZESKI, LLOYD, MESSINGER, REIBMAN, MELLOW and SINGEL presented to the Chair **SB 964**, entitled:

An Act making an appropriation to the Department of General Services for the expenses of the Veterans' Memorial Commission.

Which was committed to the Committee on APPROPRIATIONS, June 30, 1981.

Senator STAPLETON presented to the Chair **SB 965**, entitled:

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), entitled "County and Municipal State Highway Law," deleting a route in Perry and Richland Townships, Clarion County.

Which was committed to the Committee on TRANSPORTATION, June 30, 1981.

Senators KUSSE, MANBECK, CORMAN, SNYDER and HOPPER presented to the Chair **SB 966**, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for unfair labor practices relating to certain students.

Which was committed to the Committee on LABOR AND INDUSTRY, June 30, 1981.

Senator SMITH presented to the Chair **SB 967**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring the clerk of courts to notify certain persons of the disposition and sentence in criminal cases.

Which was committed to the Committee on JUDICIARY, June 30, 1981.

Senator REIBMAN presented to the Chair **SB 968**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for Ethnic Heritage Studies Centers.

Which was committed to the Committee on STATE GOVERNMENT, June 30, 1981.

ANNOUNCEMENTS BY MAJORITY LEADER

Senator JUBELIRER. Mr. President, just as a way of explanation, we are intending to run House Bill No. 571 and then there will be, I believe, an introduction of Miss Pennsylvania who will address the Senate.

Subsequent to those ceremonies, we will run several other bills that seem to be noncontroversial, at the conclusion of which we will then elect a new Secretary of the Senate and Chief Clerk, so the Members may have this information and be here in the Senate Chamber when these events take place.

CALENDAR

HB 571 CALLED UP OUT OF ORDER

HB 571 (Pr. No. 599) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 571 (Pr. No. 599) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

GUESTS OF SENATOR JAMES E. ROSS AND SENATOR J. BARRY STOUT PRESENTED TO SENATE

Senator ROSS. Mr. President, in the balcony this afternoon, I have constituents of mine and the gentleman from Washington, Senator Stout, attending the Pennsylvania Municipal Authorities Conference this week at Hershey. They are from the Washington County area, the Smith Township Municipal Authority. In attendance are John C. McKee, Jr., Manager of the Smith Township Municipal Authority; William and Elsie Stewart; Robert and Lois Fuller, Joseph Abate. They are all board members. Mr. President, I would appreciate it very much if the Senate would give them a warm welcome.

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

(Applause.)

GUESTS OF SENATOR CLARENCE F. MANBECK PRESENTED TO SENATE

Senator MANBECK. Mr. President, we have with us today two residents of Lebanon County, the wife of the Honorable George Jackson, a Member of the House of Representatives and Mr. and Mrs. James Simon. I request that you give them your usual warm welcome from the Senate of Pennsylvania.

The PRESIDENT. Would they please rise so the Senate may give you its traditional warm welcome? Are they here? Apparently not.

Senator MANBECK. Mr. President, Mr. Jackson came in and requested that I introduce them.

The PRESIDENT. In absentia, they have been introduced and are welcomed.

(Applause.)

GUESTS OF SENATOR EDWARD M. EARLY PRESENTED TO SENATE

Senator EARLY. Mr. President, my guests did show. I am happy to announce that my mother, Mrs. Early, and my aunt, Mrs. Sarver, two of my staff members, Lorraine Carr and Nancy Anderson, came to Harrisburg to see how hard it is we work and how we earn our pay. I would appreciate a nice warm welcome for this group.

The PRESIDENT. Would Senator Early's mother, his aunt and his staff please rise so the Senate may welcome you?

(Applause.)

MISS PENNSYLVANIA PRESENTED TO SENATE

Senator HESS. Mr. President, I have the honor today to introduce to you and to this distinguished Body the new Miss Pennsylvania, Miss Jill Shaffer. Jill is accompanied by her parents and I would request that they stand as I call out their names so we know who we are referring to: The Reverend and Mrs. Paul C. Shaffer; her sister, Joy; Mr. Duane Bardell, the Executive Director of the Miss Pennsylvania Pageant; and her chaperone, Mrs. Sandy Durbin.

Jill graduated from William Penn Senior High School in 1977 and from Lebanon Valley College in May 1981, where she majored in music education. She has been accepted to the Penn State Graduate School for Music which she will delay for one year as she serves in her capacity as Miss Pennsylvania, and I am sure we all hope also as Miss America.

She will enter the Miss America Pageant the week of September 8th. I am sure each and every one of the Members of the Senate will join with me in wishing Jill the best and we feel confident Pennsylvania is well represented in the Miss America Pageant.

Mr. President, I would at this time like to yield to the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I would like to echo the comments of the gentleman from York, Senator Hess, that his constituent who came to the pageant in the home of the Miss Pennsylvania Pageant, Altoona, and won it, but once again, I must comment to the Members of the Senate that the influence, and I was careful not to say the hand of the gentleman from Lebanon, Senator Manbeck, on the more beautiful and talented and bright women of Pennsylvania has been felt because she is Miss Lebanon Valley. It seems the last several years, Miss Pennsylvania has come from that area and has either been the constituent of the gentleman from Lebanon, Senator Manbeck, or in some way has touched his district.

However, Mr. President, I would like to comment further that this very bright, talented and beautiful winner of the Miss Pennsylvania Pageant is a native of the City of Altoona, having been born there February 11, 1959. I guess really, we are proud, not only to have her representing Pennsylvania, but we from the great City of Altoona are proud to claim her as a native, proud to have the Miss Pennsylvania Pageant take place there and look forward to recognizing her as Miss America when that pageant takes place.

Mr. President, I know she wants to offer comments to the Senate and at this time I would ask that opportunity be given to her.

The PRESIDENT. Would the Members of the Senate please welcome Jill Shaffer, Miss Pennsylvania?

(Applause.)

Miss SHAFFER. Thank you very much. Mr. President, Honorable Members of the Senate, guests, ladies and gentlemen. It is a great thrill to be here today for without great Leaders like yourselves, we would not have such a fine State.

Because of my father's ministerial vocation, I have had the opportunity to live in seven different communities throughout our State. Pennsylvania's Grand Canyon, her coal resources, the Amish area and Harrisburg, her capital, are all familiar to me and I feel very fortunate to have lived in these various locations. After a cross-country tour that our family took, it was a family consensus that Pennsylvania is by far the most beautiful State of them all. I consider it a very high honor and privilege, indeed, to be chosen as its representative this year. I am also thankful for the freedom that America has established and because of this freedom, the Miss Pennsylvania Scholarship Pageant is available for young women like myself and the pageant program instills a sense of competition, self-development and confidence in every participant. With God's help, I will uphold the dignity, genuineness and American ideals that this crown represents. I believe there are God-given talents in every one of us and the key to success, happiness and peace is to develop and use those talents in a positive way and help others discover and develop their abilities for constructive purposes. Using my talents and my abilities in Atlantic City in representing this fine Commonwealth, if I would become Miss America and have nationwide duties, my true allegiance is to this State.

There is a song I taught all my music classes this year when I student taught and the words are programmed forever up here in my mind. They are:

"Pennsylvania, Pennsylvania, strong and true;

Pennsylvania, Pennsylvania, hear our song to you.

There is beauty in your mountains; There is peace among your hills;

But where e're I roam, my only home is Pennsylvania."

(Applause.)

The PRESIDENT. Jill, on behalf of all of the Members of the Senate of Pennsylvania, we congratulate you and your family for a fine job. We are particularly impressed that you have overcome the dual handicaps of coming from both the Lebanon Valley and from Altoona and we are sure you will go on to bigger and better things this September. Thank you very much for coming.

CONSIDERATION OF CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 866 (Pr. No. 1060) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 866.

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	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Smith

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

NAYS—0

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

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

SB 892 (Pr. No. 1088) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 892.

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

HB 569 CALLED UP OUT OF ORDER

HB 569 (Pr. No. 1787) — 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 569 (Pr. No. 1787) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

HB 1517 CALLED UP OUT OF ORDER

HB 1517 (Pr. No. 1768) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1517 (Pr. No. 1768) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 1615 CALLED UP OUT OF ORDER

HB 1615 (Pr. No. 1894) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1615 (Pr. No. 1894) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

**ELECTION OF SECRETARY OF
THE SENATE**

The PRESIDENT. At this time we will take up the business of the election of several new officers of the Senate. The Chair would like to continue the practice started a few Sessions ago that if there is only one candidate for each of these offices, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. Is there any objection to that? The Chair hears no objections.

Senator JUBELIRER. Mr. President, I feel it is appropriate first that we express our sincere thanks to Stan Rapp and our former colleague, Senator Thomas Andrews, for diligently and expertly serving as Chief Clerk and Secretary-Parliamentarian respectively.

Mr. President, each of these gentlemen stepped in during a very difficult transitional period and filled huge voids in a highly professional manner. The operation of the Senate has been enhanced by their contributions and the study and proposed reorganization could not have been completed without their input.

Stan Rapp will remain with us as a member of the Republican staff. Senator Andrews will be returning to Lawrence County to practice law full time. All of us, I know, certainly wish him well in this endeavor and again express our gratitude for his public service, both as a State Senator and Secretary-Parliamentarian of the Senate of Pennsylvania.

Mr. President, it is now my privilege to nominate Mark R. Corrigan to serve as Secretary and Parliamentarian for the Senate of Pennsylvania. By virtue of his experience as legisla-

tive aide to the gentleman from Centre, Senator Corman, and Committee Counsel to the Senate Committee on Local Government, Mark has gained a thorough working knowledge of the legislative process and became familiar with the intricacies of parliamentary procedure as practiced in this Body.

According to the management study recently released by the President pro tempore, the Secretary will be the legislative service manager for the Senate, which involves managing all official paperwork and documents and supervising support operations. Mark Corrigan has the legal training and the organizational ability to capably fill this role.

Mr. President, it is my privilege to nominate Mark Corrigan as Secretary-Parliamentarian of the Senate of Pennsylvania.

Senator CORMAN. Mr. President, it is with mixed emotions that I rise to second the nomination of Mark Corrigan to be Secretary of the Senate. Mark has served very capably on my staff for about two years. He is a person who works until the job is completed. Most legislative days Mark worked in his office until long after the often long-winded Senate would finally wind down. Mark is efficient, aggressive but personable in the pursuit of whatever it is he is trying to accomplish.

I said mixed emotions, Mr. President, because I shall certainly miss his many valued contributions and his efforts on my staff but knowing Mark, I know he will do the outstanding job that we want done as Secretary of the Senate and I shall be proud of him.

Mr. President, I second the nomination of Mark Corrigan.

Senator KELLEY. Mr. President, as I know with the nomination that was given for the new Secretary-Parliamentarian, there is some degree of liberality on the rules of relevancy.

Mr. President, I would be remiss and I am sure my colleagues would, too, if the public record was not somehow indicative of the appreciation that we spoke of of our former colleague when he was leaving this Body in the Membership capacity. The gentleman who is going to be causing the vacancy for which the nomination was made I believe excelled in objectivity and fairness in the office as he has been holding it, which is a true reflection of the way he served his constituency and the Senate as a fellow Member.

Mr. President, I would like to say to Senator Tom Andrews, Attorney Andrews, you and your family from all of us, best of wishes and good health. I think you have set a good example for all of us to follow.

NOMINATIONS CLOSED

The PRESIDENT. If there are no further nominations or seconds, the Chair will now declare the nominations for the Office of the Secretary of the Senate closed. The candidate for the Office of the Secretary of the Senate is Mark R. Corrigan of Dauphin County.

(A voice vote having been taken, the question was determined in the affirmative.)

The PRESIDENT. The Chair declares Mark R. Corrigan, unanimously elected Secretary of the Senate of Pennsylvania.

(Applause.)

ELECTION OF CHIEF CLERK

The PRESIDENT. The next order of business before the Senate is the election of the Chief Clerk of the Senate.

Senator JUBELIRER. Mr. President, it is also my pleasure to place in nomination for the Office of Chief Clerk the name of W. Russell Faber. Russ Faber has ably served as Deputy Chief Clerk of the Senate since January of this year. During his tenure, he has become thoroughly familiar with the inner-workings of the office and the changes which are required. Moreover, he has played an integral role in laying the groundwork for the revamping and the professionalization of the office which is well underway.

As the first licensed Certified Public Accountant nominated to this office, Russell Faber possesses the talents above and beyond those shared by his predecessors. By virtue of his background and training, he is eminently qualified to serve in what has been termed "the business manager of the Senate."

Mr. President, I nominate W. Russell Faber for the Office of Chief Clerk of the Senate of Pennsylvania.

Senator GEKAS. Mr. President, by way of seconding the nomination offered by the gentleman from Blair, Senator Jubelirer, I would like to take a moment to reflect on the oath we took, many of us, when we became boy scouts and the motto we learned. That motto can be easily translated into what we can expect of Russ Faber in this position.

That motto goes: "A boy scout is trustworthy," as being the first tenet. I can attest personally, as many can, to the trustworthiness of Russ, as he has already exemplified it in the office that he has served thus far.

"Loyal," without question. He bears the theme of loyalty in whatever he does to the duties given to him.

"Helpful, friendly, courteous and kind," he has already exhibited this in a hundred different ways.

"Cheerful, thrifty, brave, clean and reverent." I checked with his wife and he is obedient.

(Laughter.)

Senator GEKAS. Mr. President, he looks clean. He has shown he is brave or he would not have undertaken this position. Whether or not he will become reverent will depend a great deal on how he carries out the new responsibilities. He is a good friend, a good man and I expect a great deal of him and express a personal pride in seconding his nomination.

NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations? If not, the Chair will now declare the nominations for Chief Clerk of the Senate closed.

The candidate for the Office of Chief Clerk of the Senate is the Honorable W. Russell Faber of Dauphin County.

(A voice vote having been taken, the question was determined in the affirmative.)

The PRESIDENT. The Chair declares W. Russell Faber unanimously elected Chief Clerk of the Senate of Pennsylvania.

GRATITUDE EXTENDED TO OUTGOING OFFICERS OF THE SENATE

Senator HAGER. Mr. President, I hate to intrude in the middle of their election and their swearing in but knowing both of the retiring officers they may well be gone from the floor of the Senate before I have an opportunity to say anything. It would be a terrible thing if I did not.

I am personally very, very pleased with the election of these two gentlemen as I believe they continue the professionalization of the service staff of the Senate. This is something to which both caucuses and the Leadership of both caucuses have indicated their dedication. I believe both of these gentlemen have had the opportunity to demonstrate to the Members of both caucuses that they will bring a professionalization and an objectivity to these two positions which will leave no question of any partisan feelings on the part of either of those two officers and I think that is important.

Mr. President, I think it is also very important that we, as the Senate, give a vote of thanks, a very tangible vote of thanks to both Tom Andrews and Stan Rapp. Stan came to this position as Chief Clerk on an interim basis at my request. He had earlier been the Minority staff administrator, he will become the Majority staff administrator and as such will continue to work with all the Members of the Senate.

Tom, as we all know, came to the Senate with the class of 1973, acknowledged by all those of us who were in it to be the finest class that ever came to the Senate of Pennsylvania, although there may be some disagreement from Members of other classes on that score. Nonetheless, Tom and I came as freshmen together with no previous legislative service. Both of us had been District Attorneys in prior service to the people and our careers in the Senate have been linked for many, many reasons. All of the things which led, finally, to my elevation to the Office of President pro tempore most certainly began with W. Thomas Andrews. His name has been connected and his support has been indispensable to much of the legislation and the Rules changes which have brought this Senate to what I hope will be a continuing fine history.

To both Stan and to Tom, on behalf of the Senate and, of course, from me personally, a very deeply felt "thank you." I wish the other Members of the Senate would please join me in an expression of appreciation to these two gentlemen.

(Applause.)

OATH OF OFFICE ADMINISTERED TO SECRETARY-ELECT AND CHIEF CLERK-ELECT OF THE SENATE

The PRESIDENT. Will Russ Faber and Mark Corrigan please come to the rostrum in order that the oaths of office may be administered? I want to call at this time on Judge Clarence C. Morrison of Dauphin County to administer the oath of office to our newly elected officers.

Please rise.

(The oaths of office were administered accordingly.)

THANKS OF THE SENATE TENDERED TO THE HONORABLE CLARENCE C. MORRISON FOR ADMINISTERING OATH OF OFFICE

The PRESIDENT. On behalf of all the Senate, the Chair would like to thank Judge Morrison for presiding at these ceremonies and, of course, congratulate again our newly elected officers of the Senate.

RECESS

Senator JUBELIRER. At this time, Mr. President, I would request a recess of the Senate. I am asking Members of the Republican caucus to report to the first floor caucus room in fifteen minutes, at 2:15 p.m. The reason is many of our Members, as I am sure the Democratic Members, have gone to the Governor's Office for a bill-signing ceremony and will not be back until that time. We hope to be back on the floor then by 3:30 p.m. in order to conduct the affairs of the Senate. So at this time we would request a recess of the Senate.

Senator SCANLON. Mr. President, I am requesting the Democratic caucus proceed immediately to the Minority caucus room for the purpose of a caucus.

The PRESIDENT. For the purpose of a Republican caucus, which will convene at 2:15 p.m. and a Democratic caucus, which will convene immediately, the Chair declares the Senate in recess.

AFTER RECESS

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

BILLS SIGNED

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

SB 866, 892, HB 569, 571, 638, 1517 and 1615.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 132 (Pr. No. 1068) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 132. I ask for a negative vote.

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

Senator SCANLON. Mr. President, I urge the Members of the Democratic caucus to act positively and vote "no."

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

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

YEAS—0

NAYS—48

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

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

Senator JUBELIRER. Mr. President, I request that a Committee of Conference on the part of the Senate be appointed on Senate Bill No. 132.

The PRESIDENT. The Senate has nonconcurred in the amendments made by the House and the President pro tempore will appoint a Committee of Conference.

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

SENATOR ZEMPRELLI TO VOTE FOR SENATOR ROMANELLI

Senator ZEMPRELLI. Mr. President, I would request a legislative leave of absence on behalf of Senator Romanelli, who had to leave the floor for legislative purposes and will return.

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

CONSIDERATION OF CALENDAR RESUMED

HB 33 CALLED UP OUT OF ORDER

HB 33 (Pr. No. 1160) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY

HB 33 (Pr. No. 1160) — Considered the third time,

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

AMENDMENTS OFFERED

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

Amend Title, page 1, line 6, by removing the period after "indebtedness" and inserting: and providing for professional employes when programs or classes are transferred.

Amend Bill, page 2, by inserting between lines 11 and 12: Section 2. The act is amended by adding a section to read:

Section 1113. Transferred Programs and Classes.—
 (a) When a program or class is transferred from one or more school entities to another school entity or entities, professional employes who are classified as teachers and are suspended as a result of the transfer and who are properly certificated shall be offered employment in the program or class by the receiving entity or entities when services of a professional employe are needed to sustain the program or class transferred, as long as there is no suspended professional employe in the receiving entity who is properly certificated to fill the position in the transferred class or program.

(b) Transferred professional employes shall be credited by the receiving entity for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for purposes of sabbatical leave eligibility and placement in the salary schedule only. Such employes shall begin to accrue seniority in the receiving entity as of the effective date of their transfer.

(c) Nothing contained in this section shall be construed to supersede or preempt any provision of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(d) As used in this section, the term "school entity" shall mean a school district, intermediate unit or area vocational-technical school.

Amend Sec. 2, page 2, line 12, by striking out "2." and inserting: 3.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

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

Amend Title, page 1, line 6, by removing the period after "indebtedness" and inserting: and further providing for reopening of district budgets.

Amend Bill, page 2, by inserting between lines 11 and 12:

Section 2. Section 687 of the act is amended by adding a subsection to read:

Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.—***

(e) For the fiscal year 1980-1981, a school district may, by a majority vote of the board of school directors, reopen its budget for the purpose of reallocating any surplus funds in the district budget for the retirement of any outstanding indebtedness of the district or for the reduction of property taxes for the fiscal year 1980-1981.

Amend Sec. 2, page 2, line 12, by striking out "2" and inserting: 3

Amend Sec. 2, page 2, line 12, by striking out "in 60 days." and inserting: immediately.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

The PRESIDENT. House Bill No. 33 will go over in its order temporarily, as amended.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 140 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 356 (Pr. No. 1111) — Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 356, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

Senator JUBELIRER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, will the gentleman advise me and others for that matter the reason why he is asking us to join in the motion to nonconcur?

Senator JUBELIRER. Because of technical defects in the bill, Mr. President.

Senator ZEMPRELLI. Mr. President, can the gentleman tell us what those technical defects are?

Senator JUBELIRER. If we can be at ease, I think the gentleman from Luzerne, Senator O'Connell, can be of some enlightenment to the gentleman.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I am assured the amendments that are going in are extremely technical in nature and are not substantive in any way. That is all I wanted to know from the gentleman.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

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

HB 33 CALLED UP

HB 33 (Pr. No. 1160) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 33 (Pr. No. 1160) — And the question recurring, Will the Senate agree to the bill on third consideration, as amended?

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

Amend Title, page 1, lines 5 and 6, by striking out "authorizing taxation for the purpose" in line 5, all of line 6 and inserting: providing for the levying of an optional personal income tax under certain conditions.

Amend Bill, page 1, lines 9 through 19; page 2, lines 1 through 12, by striking out all of said lines on said pages and inserting:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a section to read:

Section 602.1. Optional Personal Income Tax Equivalent Authorization for School Districts.—(a) Subject to the limitations set forth in subsection (c), the board of school directors of each school district of the second, third and fourth class, the board of public education in school districts of the first class with the authorization of the city council and the board of public education in districts of the first class A in addition to any other taxes authorized by law, may provide by ordinance or resolution for a residential property tax equivalency levied upon the personal income of the residents of its district. The school district shall first determine the necessary uniform real property tax levy to meet their budget needs for the fiscal year. The portion of any residential property tax necessary to meet this requirement would be satisfied by the equivalent amount of personal income tax levy. Each year the Department of Education shall calculate the personal income tax equivalent of each mill of residential property tax. The department shall use the assessed value of residential property located within each school district as certified to him by the State Tax Equalization Board and the personal income reported of the residents of each school district as certified to him by the Secretary of Revenue in this calculation. For the purposes of this section, "personal income" shall mean personal income as defined and taxable under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(b) The tax imposed in subsection (a) shall be subject to the provisions of section 13 of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," relating to the collection of, reporting of, withholding of and the payment and penalties for late payments of an earned income tax.

(c) Every school district which imposes the equivalency tax authorized in subsection (a) shall not impose or collect any:

(1) real property tax on real estate classified and assessed as residential real property, but shall continue to impose and collect a real property tax on any real estate classified and assessed as commercial property, industrial property or agricultural property; or

(2) earned income or net profits tax on individuals other than specifically authorized in this section.

(d) Whenever a school district initially imposes the tax authorized in subsection (a), such school district shall retain that tax structure for a period of at least two (2) years. Thereafter whenever such school district desires to change its tax structure by utilizing the options available in this act, such change as the school district effects shall be continued for a period of at least six (6) years.

(e) Any school district which does not choose to impose the tax set forth in subsection (a) shall be limited to imposing any income tax provided in "The Local Tax Enabling Act" only upon the earned income of the residential taxpayer as is otherwise provided by law.

(f) Within thirty (30) days after receipt of his school real property tax bill, a landlord whose property is classified residential by the assessing authority shall disclose in writing to each tenant who has occupied a rental unit for more than forty-five (45) days, the reduction in real property taxes, if any, under this amendatory act which is attributable to the tenant's unit. The amount of tax reduction attributable to each unit shall be based upon allocated square footage occupied or other reasonable criterion.

Section 2. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of any inconsistency, except that the provisions of this act shall not affect the act of December 26, 1974 (P.L.973, No.319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974."

Section 3. This act shall take effect January 1, 1982.

On the question,

Will the Senate agree to the amendments?

Senator EARLY. Mr. President, I appreciate the Majority Leader going back to House Bill No. 33. I would be willing to accept the same roll call as the amendments of the gentleman from Mercer, Senator Wilt, and the gentleman from Allegheny, Senator Pecora.

Mr. President, I certainly will not belabor the Senate. There is no doubt we have discussed this numerous times. The issue is not going to go away, Mr. President. The amendments are similar to the amendments I offered in the past that would eliminate residential school property tax and permit the residents to pay their taxes according to the income they have and not according to the property. I have made a few changes in here. The changes basically are made around the problems that were expressed by the gentleman from Philadelphia, Senator Street, that we did not include Philadelphia and we have included Philadelphia for him, and the gentleman from Perry, Senator Moore, who was concerned about the Clean and Green amendment and they are in there now for his benefit which I am sure he will be happy to vote for now that we have accommodated his objections.

In all seriousness, Mr. President, I think what we have experienced with Senate Bill No. 530 is that this issue can create some problems to industry in the State of Pennsylvania. What we have to do, Mr. President, is resolve the issue of property tax driving senior citizens out of their homes. In doing so, Mr. President, we must be fair with business and these particular amendments would take care of the objections that business did elaborate on concerning Senate Bill No. 530. They were concerned they would receive an unfair disadvantage and an unfair burden in paying the property tax. These amendments work around the objections the farmers had that they are paying an unfair share at the present time and these amendments, Mr. President, would relieve them of the burden they have.

We also cannot be unfair to the homeowner. He cannot share an additional burden if we in turn try to give relief to business, farmers and individuals who own apartments. These amendments, Mr. President, were designed to alleviate all objections. I am certain, Mr. President, these amendments do that. These amendments also would prevent a senior citizen from paying perhaps fifteen, twenty per cent of his income to property tax while someone who is fortunate to have a large income and low property tax will be paying only one or two per cent. This, Mr. President, would make it fair.

I have heard in the past, Mr. President, by the gentleman from Philadelphia, Senator Price; the gentleman from Chester, Senator Stauffer; who had indicated these particular amendments were unconstitutional. Mr. President, I tell them I have in front of me the various court cases, the decisions,

and I invite them to interrogate me to show me specifically why these particular amendments do not stand a constitutional test.

With the desire to move on, and I know that is the desire of the Senate, Mr. President, the fact that I have raised these issues time and time again. My arguments have not changed. The issue has not changed. I, therefore, implore my colleagues, Mr. President, to take a giant step in voting these amendments so we can finally say we will have relief for the senior citizens of the State of Pennsylvania.

Senator JUBELIRER. Mr. President, our position has not changed either. We would ask for a "no" vote.

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

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

YEAS—25

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

NAYS—24

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

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

RECONSIDERATION OF EARLY AMENDMENTS

Senator JUBELIRER. Mr. President, I move to reconsider the vote by which the amendments offered by Senator Early to House Bill No. 33 were adopted, and that the bill go over its order.

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

Senator ZEMPRELLI. Mr. President, I would ask the motion for reconsideration be separated and that we vote with respect to the reconsideration motion and the motion for having the bill go over be separated.

Senator JUBELIRER. Mr. President, I move that the vote by which the amendments of the gentleman from Allegheny, Senator Early, was placed in House Bill No. 33, Printer's No. 1160, be reconsidered.

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

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

Senator JUBELIRER. Mr. President, I move that House Bill No. 33, Printer's No. 1160, go over in its order.

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

Senator ZEMPRELLI. Mr. President, may we be at ease?
The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

FAMILY OF SENATOR T. MILTON STREET PRESENTED TO SENATE

Senator STREET. Mr. President, I have three members of my family here today who are observing what keeps me out so late at night, keeps us up so long, and to find out exactly what we do up here in the Pennsylvania Senate.

Mr. President, I would ask the Senate to give their normal and usual warm welcome to Simone, Milton Jr. and Adrienne.

The PRESIDENT. Would the Street family please rise so the Senate may give you its traditional warm welcome?
(Applause.)

FAMILY OF SENATOR H. CRAIG LEWIS PRESENTED TO SENATE

Senator LEWIS. Mr. President, apparently it is family day in the gallery and I, too, am pleased to let my colleagues know that my parents are here making observations similar to those the Street family is making. Mr. President, I would ask the Senate to give Harold and Dorothy Lewis their usual warm welcome.

The PRESIDENT. Would the Lewises please rise so the Senate may give you its traditional warm welcome?
(Applause.)

Senator HAGER. Mr. President, I would like to give a special welcome to those two Republicans, Mr. and Mrs. Lewis.

The PRESIDENT. The Chair would only observe the Lewises are probably sitting on the wrong side of the house. The chairs are empty over here.

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

And the question recurring,
Will the Senate agree to the motion that House Bill No. 33, Printer's No. 1160, go over in its order?

Senator ZEMPRELLI. Mr. President, I have had a discussion with the Majority Leader and I believe at this time he wants to make a request with respect to House Bill No. 33 that is before us in the nature of having it go over temporarily.

The PRESIDENT. Is there an objection to House Bill No. 33 going over in its order temporarily? The Chair hears none and House Bill No. 33 will go over in its order temporarily.

REQUEST FOR RECESS

Senator JUBELIRER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Rules Committee room at

the rear of the Senate Chamber. It is our hope to come back to the floor quickly.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

SB 422.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert Adams, 519 North Penn Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Mrs. Mary DiLeo, Allentown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Doctor John G. Berrier, 1605 Livingston Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Ms. Mabel Meixell, Bethlehem, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ralph B. Senderowitz, 2901 Meadowbrook Circle, South, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Mrs. Helen K. Miller, Emmaus, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF THE CENTRAL YOUTH DEVELOPMENT CENTERS

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Calvin H. Robinson, Esquire, 4802 Woodward Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Mrs. Barbara F. Adler, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF CRESSON CENTER

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William C. Bland, 1015 Philadelphia Avenue, Barnesboro 15714, Cambria County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Cresson Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice James Erculiani, Cresson, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE COLLEGE

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas A. Bubba, 2124 Hay Street, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of East Stroudsburg State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Mrs. Mary B. Leister, Stroudsburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF EDINBORO STATE COLLEGE

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul J. Caron, 1518 Drake Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Edinboro State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Joseph M. Kavinski, Warren, whose term expired.

DICK THORNBURGH.

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

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. Richard Johnston, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Board of Trustees of Edinboro State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Alfred Kern, Meadville, whose term expired.

DICK THORNBURGH.

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

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Eve Y. Murphy, Crane Road, R. D. 1, Edinboro 16412, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Edinboro State College, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
LAURELTON CENTER**

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alice Atwater, 450 Irvin Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Harry E. Leshner, Sunbury, whose term expired.

DICK THORNBURGH.

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

June 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ernest L. Milewski, 8737 Ditman Street, Philadelphia 19136, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Paul P. Schimmel, Merion Station, whose term expired.

DICK THORNBURGH.

**COMMITTEE OF CONFERENCE APPOINTED
ON SB 132**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators CORMAN, SHAFFER and LLOYD 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. 132.

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

**COMMITTEE OF CONFERENCE APPOINTED
ON SB 356**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators O'CONNELL, MANBECK and LINCOLN 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. 356.

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, June 30, 1981

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 14, 1981 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, September 14, 1981 unless sooner recalled by the Speaker of the House of Representatives.

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

RECESS

The PRESIDENT. For the purpose of a Republican caucus, the Chair declares the Senate in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED**HB 33 CALLED UP**

HB 33 (Pr. No. 1160) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 33 (Pr. No. 1160) — And the question recurring, Will the Senate agree to the Early amendments?

RECESS

Senator ROSS. Mr. President, I request a ten minute recess of the Senate, for the purpose of holding a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a ten minute recess of the Senate.

AFTER RECESS

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

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

**SENATOR ZEMPRELLI TO VOTE
FOR SENATOR SCANLON**

Senator ZEMPRELLI. Mr. President, I would request a legislative leave on behalf of Senator Scanlon. He had to leave the floor for ancillary legislative work.

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

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

Senator JUBELIRER. Mr. President, I assume the amendments on what we will refer to as the Early amendments, are going to run on House Bill No. 33. In that context I would like to make some remarks.

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, as I understand, and I may be incorrect, although I believe myself to be correct, the bill before us, House Bill No. 33 on reconsideration, presently has a number of amendments in it of equal standing of which the amendments by the gentleman from Allegheny, Senator

Early, is a part. If I understand correctly what is before the Senate and my point of order, Mr. President, is, is it not in fact the bill as amended in its entirety for consideration?

The PRESIDENT. No, the question before the Senate is on the amendments of the gentleman from Allegheny, Senator Early. The gentleman's amendments passed and there was a motion to reconsider the vote by which they passed which was a voice vote. They passed and so the question recurs, will the Senate agree to the amendments of the gentleman from Allegheny, Senator Early?

Senator ZEMPRELLI. Mr. President, I misunderstood the motion that was made by the Majority Leader at the time.

Senator JUBELIRER. Mr. President, the hour grows late, we are near a recess and there has been a great deal of conflict within the Senate itself over this and other issues.

Mr. President, the issue of property tax reform surely is one of the most important issues that will face this House and the other House of this General Assembly at any time. Because of the questions we have on the constitutionality of the bills of the gentleman from Allegheny, Senator Early, because of the questionable matters that came before us on the bills of the gentleman from Chester, Senator Stauffer, Representative Wilson has bills over in the House on property tax reform, it is our intention to ask for a "no" vote on these particular amendments with the understanding we are going to have a resolution prepared that will be introduced and passed before this Senate recesses this week, that will create a task force. The task force will have seven Members of the Senate appointed by the President pro tempore which will deal with reviewing all of the prospective property tax reform bills, including those of the gentleman from Allegheny, Senator Early, the gentleman from Chester, Senator Stauffer, Representative Wilson's and others that may have property tax reform bills in them.

That resolution will have in it that the task force must report back no later than October 1st of this year. We believe everybody in this Senate wants to deal and work for property tax reform. I suppose the important consideration is, what kind of property tax reform we are going to have. We do not believe amending a House bill at this stage of the game is the way to go about doing it. We believe hearings should be held and we would hope the task force would do that to gain input into it.

I think if we were to pass the amendments and they were eventually to be found unconstitutional, that would be a very difficult bullet to bite. It would only create more unrest with the property tax issue in the Commonwealth.

For that reason Mr. President, we ask all Members of the Senate to vote "no" on these amendments and to support the resolution which will create the task force and begin to deal with the issue of property tax reform with all the bills before it and with the public input that we expect that task force would gain.

Senator ZEMPRELLI. Mr. President, I heard the gentleman. I heard every word the gentleman said. My years of experience in the General Assembly tell me the slides have been greased for a couple of people to get off of these amend-

ments that have been approved. The moment of truth will follow and two people, at least, who voted for this measure will be voting against it. The smoke screen has been sent, the fancy committee that will study all of the proposals, when in essence what the gentleman is saying is he is against tax reform and the gentleman has been against it for years and the gentleman continues to be against it. Who is kidding whom?

Mr. President, these amendments passed, they were the work of many years of effort. The gentleman from Allegheny, Senator Early, believed he had something going for him that was in the best interest of everybody in the Commonwealth of Pennsylvania and provided effective tax reform. The only reason why I get exercised about this, Mr. President, is because those who carry the banner in reform are the first ones to cut the blade to shove it down the drain and that is what the gentleman is doing today, nothing else, in the formation of the fancy committee. I should hope the gentleman would do that anyway. Why not this fancy committee nine years ago? Why have we wrestled with this issue so many times until the moment of truth when the amendments of the gentleman from Allegheny, Senator Early, passed for the first time do we get this urgent cry for another committee that will do nothing except issue a report in September?

Mr. President, to reiterate, to be perfectly clear, those who will vote against these amendments at this time are saying they are not interested in tax reform and that is the sum and substance of it in everything the gentleman can suggest the outfall may be. God bless the gentleman's favorite little committee that will now study tax reform again.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—22

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

NAYS—26

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

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

The PRESIDENT. House Bill No. 33 will go over, as amended.

SUPPLEMENTAL CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 33 (Pr. No. 2046) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

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

Senator HESS. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman from York, Senator Hess, tell us on page 2, line 17 the fiscal year, where the reopener will take place, is the fiscal year 1980-1981? Can the gentleman explain to me if the intent of House Bill No. 33 is to open up the budget of the current fiscal year that we are in today that will expire as of midnight this evening for the purposes of reducing property taxes?

Senator HESS. Mr. President, I honestly have to tell the gentleman I cannot accurately reply to that statement. The amendments, I understand, were needed by Representative Cowell and I am not familiar with particular problems that his district is facing.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman from Blair, Senator Jubelirer, please tell me whose Senatorial District this bill would affect?

Senator JUBELIRER. Mr. President, it is my understanding that it will have Statewide application but the immediate problem as I gather is in the Borough of Churchill.

Senator MELLOW. Mr. President, Senator Pecora has been waving to me that it is his district.

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

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

Senator PECORA. I will, Mr. President.

Senator MELLOW. Mr. President, the same question I asked the gentleman from York, Senator Hess, I would like to ask the gentleman from Allegheny, Senator Pecora.

On page 2, line 17 the bill calls for opening the budget for fiscal 1980-1981 which in my understanding would end on June 30th at midnight, which would be this evening. Is the purpose of House Bill No. 33 to allow a school district the opportunity to open up their budget for the purpose of reducing property taxes for the school year of 1980-1981?

Senator PECORA. Mr. President, yes, or for reallocation of the funds they presently have.

Senator MELLOW. Mr. President, could the gentleman explain to us what effect this would have on the 1981-1982 budget?

Senator PECORA. Mr. President, it is up to the school district to determine that. I cannot give a determination of what the school board will do once the budget is reopened.

Senator MELLOW. Mr. President, then is the gentleman telling us this will also open up the 1981-1982 budget if, in fact, it has already been passed?

Senator PECORA. Mr. President, no, it only says fiscal year 1980-1981 which is July 1st to June 30th.

Senator MELLOW. Mr. President, then basically what we are talking about is the current year's budget that would expire at midnight this evening?

Senator PECORA. The gentleman is correct, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—47

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

NAYS—1

Lynch

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

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

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator TILGHMAN submitted the Report of Committee of Conference on HB 1290, which was laid on the table.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 568 (Pr. No. 1091) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 568.

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—48

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

NAYS—0

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

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

FINAL PASSAGE CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 926 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

HB 1593, 1594, 1596, 1598, 1612, 1644 and 1646 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 5 (Pr. No. 5) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 22 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 229 (Pr. No. 2027) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 7, page 7, lines 23 through 30; page 8, lines 1 through 30; page 9, lines 1 through 8, by striking out all of said lines on said pages

Amend Sec. 8, page 9, line 9, by striking out "8" and inserting:

Amend Sec. 9, page 9, line 30, by striking out "9" and inserting: 8

Amend Sec. 10, page 10, line 4, by striking out "10" and inserting: 9

Amend Sec. 11, page 10, line 17, by striking out "11" and inserting: 10

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, I would like to call the attention of the Senate to some of the significant and radical departures from legislative procedure that are contained in House Bill No. 229 before us and which would be extracted by the amendments that are offered.

First of all, Mr. President, Section 7 of this bill requires that an actuarial note be attached to every bill which possesses any change relative to the public employee pension or retirement plan before any such bill can be given second consideration by either the House or the Senate. The significance of this is to place a special exception with respect to legislation dealing with pension or retirement plans. It is almost unheard of, but the effect of it is it really destroys the legislative prerogative. Here we are precluded from voting a bill on second consideration simply because some administrative agency may not have attached an actuarial note to the bill.

Mr. President, that is bad enough. It is an exception to procedure, it is an infringement upon the legislative prerogative. The second part that is even more offensive is that the commission has twenty-five legislative days before the Legislature can act on the bill even if the commission fails to attach

an actuarial note. The same amount of time, the twenty-five legislative days, would be required before an amendment can be made to any such bill.

Mr. President, we are talking about a legislative history that could conceivably expand years before this Body could effectively act upon that legislation simply because we place these restraints upon ourselves in special legislation.

Mr. President, I think for these reasons the amendments should be adopted so the spirit of the bill before us can pass without the roadblocks to impede legislative jurisdiction and legislative discretion.

Senator HOWARD. Mr. President, I rise to oppose the amendments. House Bill No. 229 is the product of work done both by Members of the House, the Local Government Commission and Members of the Senate, including particularly the gentleman from Bucks, Senator Lewis, and the gentleman from Centre, Senator Corman. The first issue that is addressed by the amendments that the gentleman from Allegheny, Senator Zemprelli, offers deals with the need for the inclusion of a fiscal note. I cannot imagine an issue where a fiscal note is more important or where the information contained in that fiscal note is more essential to the consideration of a proposal than in bills dealing with pensions. I think all of us have seen recently the extraordinary influence that seemingly minor judgments have upon the actuarial soundness of pension systems. It is worth remembering that this bill does not only affect the State pension systems but it also affects the almost 2,000 local pension systems in the Commonwealth and this feature is, in the judgment of many people, absolutely essential to the ability to get the fiscal integrity of those systems under control.

The second issue the gentleman from Allegheny, Senator Zemprelli, raises is that of the twenty-five legislative day time limit. Here the actuaries will in some instances have to go into the field and examine several of the plans, possibly a larger portion of the number of plans that will be affected by any proposed legislative change and while twenty-five legislative days can, in fact, during periods of the year stretch out, it is nonetheless in the judgment of the Local Government Commission necessary to give them the kind of time to conclude the kind of responsible studies that the fiscal note described in this bill must serve.

Mr. President, I would urge the Members to oppose these amendments and pass House Bill No. 229 in its present form.

Senator KELLEY. Mr. President, I believe the amendments offered by the gentleman from Allegheny, Senator Zemprelli, is cutting through to something that is very, very serious and sacred to all of us. The gentleman from Bucks, Senator Howard, is in the forefront of this issue and I think we all respect his energy and commitment. Sometimes, however, those of us who get involved in the forefront of issues get mostly involved and we go to extremes and we start to trespass upon something that is very important. I think if we look at Articles II and III of the Constitution, this Body, like the other Body, has the only limitations as placed therein upon us and that with which we deal. The fiscal notes of which the gentleman from Bucks, Senator Howard, spoke is self-

imposed by us in our Rules. No law can bind us or the other Body as far as the manner with which we do it. If we take something like this in the present form of the bill, we are transgressing upon one of the most sacred elements of the whole system in which we operate, the Constitution. I believe it is absolutely essential. In fact, let us pose the proposition. Let us suppose the amendments are not adopted and House Bill No. 229 is enacted such as it is. What is the penalty? Who is to say? Suppose the people in this Body who are here after we are long gone want to consider something in derogation of these terms and these twenty-five days and these actuarial statements. There is no penalty. There is no voidance. I think we have to keep a system pure.

In this regard, Mr. President, I urge all of us to support the amendments offered by the gentleman from Allegheny, Senator Zemprelli, and still keep the integrity of the bill.

Senator ZEMPRELLI. Mr. President, I thank the gentleman from Westmoreland, Senator Kelley, but I, in response to the gentleman from Bucks, Senator Howard, wish to state I have absolutely no objection to an actuarial note. The thrust of my objection is to the fact the actuarial note destroys legislative discretion. We prohibit ourselves from considering a bill on second consideration until such time as there has been an actuarial note attached and the ability to produce such an actuarial note is not within our discretion. I think that is an absolutely horrendous abdication of our legislative responsibility and an infringement upon our responsibility to pass legislation in addition to singling it out as the one area in all matters that we deal with fiscal affairs and should be acutely aware of, to suggest those items that deal with pension plans and retirement plans occupy a sacred position as opposed to all other matters of fiscal concern. The question then becomes, would we be willing to impose the same restraints in those areas simply because we have established this precedent?

Mr. President, I think this legislation has not been thought out carefully as to its implications and I would ask for the unanimous adoption of the amendments.

Senator HOWARD. Mr. President, the Senate, of course, will have to decide on the merits of the arguments of the gentleman from Allegheny, Senator Zemprelli, but I would also like to point out one of the practical aspects of the proposals he has now offered. If this bill is amended tonight, there will be no way we can get it back to the House for concurrence by the time the Legislature recesses for the summer recess and I do not think it is any secret that we are confronted by the prospect of a series of proposals dealing with the major pension plans at the State level and dealing with the benefit levels those plans offer. I am very hopeful nothing will delay the implementation of this legislation because I think more than ever this year we are going to need the kind of studies this commission is designed to complete. If it is going to do its work and do it timely, it is going to have to start now. I would urge these amendments be rejected and the bill be passed promptly.

Senator KELLEY. Mr. President, the gentleman from Bucks, Senator Howard, does a disservice to his own Leader-

ship. I think what happened here a few moments ago is, we saw a bill that was amended and we had the new printer's number out on the desk. I think the modernization that has gone on in the Senate in the last few years, that the printing and adjustments can be done very, very quickly. From the projections of the Leadership of the Senate has given us, we are going to be here for a number of hours more. I am sure we can accommodate that.

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

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

YEAS—22

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

NAYS—26

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

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

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

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, because the amendments have failed and because I think the amendments are so important to the concept of House Bill No. 229, I am asking for a negative vote on the bill, although I agree with the spirit of the bill otherwise.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The lady will be so recorded.

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

YEAS—28

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

NAYS—21

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

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

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

HB 243 (Pr. No. 1989) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 323 (Pr. No. 989) — 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	Hopper	Mellow	Scanlon
Bodack	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Early	Kelley	Murray	Smith
Fisher	Kusse	O'Connell	Snyder
Gekas	Lewis	O'Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Street

Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—1

Bell

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

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

HB 383 (Pr. No. 1977) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Messinger	Price	Shaffer	Tilghman
Moore	Rhoades		

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

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

SB 562 (Pr. No. 574) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Hess

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

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

HB 568 (Pr. No. 1494) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 719 (Pr. No. 1705) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS ON THIRD CONSIDERATION AMENDED

SB 742 (Pr. No. 1081) — Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator GEKAS, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 7107), page 2, by inserting between lines 19 and 20:

(b) Exceptions.—This section shall not apply to news media and publications.

Amend Sec. 1 (Sec. 7107), page 2, line 20, by striking out "(B)" and inserting: (c)

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

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

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

Senator GEKAS. I will, Mr. President.

Senator LLOYD. Mr. President, could the gentleman be kind enough to explain the content of the amendments that have been offered?

Senator GEKAS. Mr. President, the amendments that have been offered are intended to absolve from the liability we impose on the people who would have these toughman contests, to exempt from that liability, the newspapers or other periodicals who might accept an ad that would call for this toughman contest to go on in a certain community at a certain time.

Mr. President, as I understand the chief sponsor of the bill he wants to make sure there is a liability assessed against the people who would put on these contests. It would be unfair, the offerers of the amendments say, to thrust that liability against the newspaper who innocently takes an ad for that contest.

Senator LLOYD. Mr. President, I agree with the thrust of what the gentleman is saying. Would the newspaper in this instance who accepted this type of ad, would that newspaper not be protected very clearly under the first amendment and, therefore, are these amendments necessary?

Senator GEKAS. Mr. President, we are probably avoiding a misconstruction of the language and perhaps freeing ourselves or freeing parties from lawsuits stemming from that. Here is an opportunity to make it clear we are not lumping the newspaper people and the media with promoters of what we intend now to make illegal.

Senator LLOYD. Mr. President, is it safe to say we feel we do not necessarily need these amendments but they simply reinforce our notion of what the law is at this time?

Senator GEKAS. Mr. President, I believe we need them to clarify the intent of the chief sponsors, as well as our intent as a General Assembly speaking through the bill, not to lasso the newspapers in with the promoters of toughman contests.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

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

SB 758 (Pr. No. 1078) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 6, by striking out "boroughs and townships" and inserting: incorporated towns, boroughs and townships

Amend Sec. 1 (Title), page 1, line 16, by inserting after "cities₂": incorporated towns,

Amend Sec. 1 (Sec. 1), page 2, line 4, by inserting after "city₁": incorporated town,

Amend Sec. 1 (Sec. 1), page 2, line 5, by inserting after "city₂": incorporated town,

Amend Sec. 1 (Sec. 1), page 2, line 15, by inserting after "city₂": incorporated town,

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

SB 827 (Pr. No. 889) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, on behalf of Senator HAGER, by unanimous consent, offered the following amendments:

Amend Title, page 1, line 17, by removing the period after "Commission" and inserting: and a project within the Department of Environmental Resources.

Amend Sec. 1, page 2, line 10, by inserting after "amended": , and a project is added to Subdivision IV,

Amend Sec. 1 (Sec. 1), page 2, line 19, by striking out all of said line and inserting:

A. Total Authorization	[\$378,491,000]
.....	<u>\$385,211,000</u>

Amend Sec. 1, (Sec. 1), page 2, by inserting between lines 24 and 25:

IV. Department of Environ-			
mental Resources	[\$34,856,000	\$6,240,000	\$54,411,000]
	<u>\$40,456,000</u>	<u>\$7,360,000</u>	<u>\$61,131,000</u>

* * *

(w) Williamsport

(1) Hepburn

Street Dam \$5,600,000 \$1,120,000 \$6,720,000

The Department of General Services shall assign responsibility to and reimburse the Department of Environmental Resources for design and resident inspection services.

* * *

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

Section 2. Section 6 of the act is amended to read:

Section 6. Debt Authorization.—The Governor, Auditor General and State Treasurer are hereby authorized and directed

to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of [\$425,779,000] \$432,499,000 as may be found necessary to carry out the acquisition and construction of the public improvement projects, furniture and equipment projects and transportation assistance projects specifically itemized in a capital budget.

Section 3. Section 9 of the act, vetoed in part December 18, 1980 (P.L.1252, No.228), is amended to read:

Section 9. Appropriation.—(a) The net proceeds of the sale of the obligations herein authorized are hereby appropriated from the Capital Facilities Fund to the Department of General Services in the maximum amount of [\$379,852,000] \$386,572,000 to be used by it exclusively to defray the financial cost of the public improvement projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay to the Department of General Services the moneys as required and certified by it to be legally due and payable.

(b) The net proceeds of the sale of the obligations herein authorized are hereby appropriated from the Capital Facilities Fund to the Pennsylvania Department of Transportation in the maximum amount of \$45,927,000 to be used by it exclusively to defray the financial costs of transportation assistance projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay out to the Pennsylvania Department of Transportation the moneys as required and certified by it to be legally due and payable.

Amend Sec. 2, page 3, line 4, by striking out "2." and inserting: 4.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILLS OVER IN ORDER

SB 829 and 838 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AMENDED

SB 913 (Pr. No. 1009) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1103), page 1, line 14 by inserting brackets before and after "is authorized to" and inserting immediately thereafter: shall

Amend Sec. 1 (Sec. 1103), page 1, line 14 by inserting a bracket before "a"

Amend Sec. 1 (Sec. 1103), page 1, line 15 by striking out the bracket before "1,400"

Amend Sec. 1 (Sec. 1103), page 2, line 5 by striking out "2,200" and inserting: as many

Amend Sec. 1 (Sec. 1103), page 2, line 6 by inserting after "class": for which proper applications for the same have been filed

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Street.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Street, permit himself to be interrogated?

Senator STREET. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman give us a brief description of what the amendments propose to do?

Senator STREET. Mr. President, the amendments make an unlimited amount of certifications to operate cabs available in a city of the first class, which is Philadelphia.

Senator LEWIS. Mr. President, I am sure most of my colleagues will recollect the lengthy debate we had in this Chamber a year or a year and a half ago about how to deal with the problems of the inadequate and inefficient taxicab service in the City of Philadelphia. We examined the number of alternatives. As I recall, the gentleman from Philadelphia, Senator Price, was very deeply involved in attempting to come up with a resolution for that problem and a workable and constructive recommendation was made to this Body at that time and we adopted it.

Mr. President, to the best of my knowledge there have been no complaints or objections to that alternative which was adopted by this Chamber, concurred in by the House and signed by the Governor. That proposal substantially increased the number of certificates that were available for licensing cabs in the City of Philadelphia. The belief being the apparent monopoly that previously existed with the Yellow Cab Company was inappropriate, and we should encourage use of more cabs in Philadelphia and we should make them available to independent operators. We did all of that, Mr. President. But at the same time we recognized there needed to be reasonable limitations established and there needs to be a reasonable guarantee for the small businessman who makes a substantial investment not only in his cab but in the license which is acquired at that time. The reasonable guarantee to that businessman was that he was going to have access to a market which, if he conducted his business properly, would give him the opportunity for a return that would amortize that investment and give him a reasonable earning for his efforts.

Mr. President, I believe in order to guarantee that service, in order to assure the improvements this Chamber has made, in order to provide protection for those small business people who have now proceeded with confidence and in anticipation of the integrity of the limitations that had been set forth by this Chamber, we have to reject these amendments. What they propose to do is to remove any caps or any limitations or any guarantees to those small business people, to those who have made investments, to those who have proceeded in anticipation and reliance upon what we have done in this Legislature, and throw open to anyone who may care to simply take a vehicle and obtain what is virtually an automatic approval and license from the Public Utility Commission if these

amendments are adopted, to go out onto the streets and to offer himself or herself into competition. There is no doubt there was a serious problem with the cab service in the City of Philadelphia a short while ago. Since the time when this General Assembly has adopted the improvements and amendments, I have heard no significant complaints. I have heard no one object to the improvements we have interjected into that system. Most importantly, I have heard no one call for the kind of amendments that are now being offered by the gentleman from Philadelphia, Senator Street.

Mr. President, I think all of us have to be concerned about a fair and adequate business situation and a reasonable availability of cabs to all of the people in the city who choose to use them.

Mr. President, it is my observation that that situation now pertains in the City of Philadelphia and we would do it harm and we would do an injustice to that system and to the people of the city if we were to go ahead and eliminate any reasonable restraints or limitations upon the certifications.

I think if our interest is in improving the cab system and the availability of that system for the people of Philadelphia, then those who share that concern should vote in the negative on these amendments.

Senator STREET. Mr. President, I do not know where the gentleman has been in the last several weeks or the last several months, but it is clear obviously he has not been up with the current events in Philadelphia as it relates to common carriers.

The Yellow Cab system was auctioned off, I believe, less than two weeks ago. They have in their possession, Yellow Cab and the new purchaser, 800 certifications, 400 of which have not been used for an extended period of time. In the study that we came up with last year it showed there is a need for over 2,000 cabs on the streets of Philadelphia and the market could probably tolerate more. Yet, the good gentleman seems to infer that all is well in the City of Philadelphia in reference to the common carriers in reference to cabs.

But more importantly than that, Mr. President, the effect we have had in the City of Philadelphia on cab certifications has resulted in what is known as economic discrimination. Those who drive the cabs, those who get out in the street and work to bring in the money, do not receive the profits because a certification that can be purchased from the PUC for \$10 is being resold on the streets in Philadelphia for \$30,000 and upward. That has the effect of discriminating and precluding the little person from getting involved in owning and operating his or her own business.

For that reason, Mr. President, because Yellow Cab has shown that it has not been capable of providing the type of service that is needed, I would urge a "yes" vote on these amendments.

Senator LEWIS. Mr. President, a number of points I think should be made, one of which is, to my understanding, Yellow Cab only owns 500 of the 1,400 presently authorized certificates. A very clear majority of those that are available are not within the jurisdiction of the Yellow Cab Company.

Notwithstanding their particular problems, and I might say it is because of their problems that we approved the significant reforms in the system that we did about a year and a half ago, and notwithstanding those problems there is a very clear opportunity for a small businessman to become involved.

Secondly, I might point out all of those small business people who have become involved in the delivery of cab services since we approved that reform a while back have made a substantial investment in that business as any owner of a tavern makes a substantial investment in the license, as any owner of any other business makes a substantial investment in the things he needs to conduct that business, so have the small business people who have invested in the certificate they needed to have, also made a substantial investment. The effect of these amendments would be to wipe out that investment that has been made by these many hundreds of people.

Aside from all of that, I should also point out the very practical impact of these amendments, if adopted, in my opinion, would be to decrease the very service that the gentleman seeks to improve. If in fact there is not a reasonable anticipation of a flow and a need and a call for the services that are being provided, then people are not economically going to be able to stay in business. A short while ago I had a conversation with one of the small independent cab groups that have formed since we adopted the reform amendment a year or a year and a half ago, and they indicated to me within their association they developed a radio dispatch capacity to handle 1,500 calls a day because they thought and anticipated that would be the service and the demand that would come to them. In fact, they told me now, because of the nature of circumstances, they are receiving barely 500 calls a day and many of their people cannot afford to stay in business.

Mr. President, we are only going to exacerbate that situation by approving these amendments, amendments which aside from all of the substantive reasons for their defeat, have a very clear technical problem with them. It may simply have been an oversight. I would imagine the gentleman would be surprised to find out in the middle of the amendments the limitation on 1,700 cabs in the second of the triennial sequences through which he moves, has not been stricken. In fact, we would find ourselves with the anomaly that upon the implementation and adoption of these amendments, there would be no limitations striking out the 1,400. At the conclusion of this whole sequence, somewhere down the line, there would no longer be 2,200 maximum licenses as the gentleman initially proposed but there would be an unlimited number. Yet in the middle of all of this they failed to strike from the amendments the limitation of 1,700 licenses which was in the progression the gentleman had originally suggested.

Mr. President, notwithstanding the substantive arguments which I think merit the support of all of the Members of this Chamber, there is a very clear technical defect within Senate Bill No. 913 which I think, in and of itself, should merit a negative vote from all of the Members of this Chamber.

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Price.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Price, permit himself to be interrogated?

Senator PRICE. I will, Mr. President.

Senator LLOYD. Mr. President, in that the gentleman from Philadelphia, Senator Price, did a substantial amount of excellent work on the entire problem of cab service in Philadelphia during the last Session, I wonder if he would be kind enough to relay his thoughts to us on these particular amendments, whether or not he feels they are good and if so, why, and if not, why not?

Senator PRICE. Mr. President, I am delighted to answer that question. The bill which I introduced a year and a half ago at the suggestion of the Philadelphia Chamber of Commerce included a maximum limitation of 2,000 certificates and the way that group arrived at that figure was to find an average per resident per cab among all the major northeastern cities in the United States. It was not exactly scientific but it was the best guess about what would be reasonable cab service. I think if the gentleman will remember during the debate on that bill, the figure was amended to include a stepped-up cab certificate rate, at first it was 1,400, then 1,700 and then 2,000. The reason I support the amendments to take it off is that today, a year later, we have no more than 500 taxicabs serving the residents of Philadelphia on the streets today. Whether it was 1,400 or 2,000, that figure just has not worked to provide decent service. The best way around this, it seems to me, is to encourage as much competition as possible. I cannot imagine that is going to hurt any present taxicab license holder. In fact, I think as more certificates are issued and as more taxicabs are on the streets of Philadelphia, more people will avail themselves of that service, which as I indicated barely exists today. Rather than stifle competition, I think there will actually be more.

Senator GEKAS. Mr. President, on the question raised by the gentleman from Bucks, Senator Lewis, on the inconsistency of some of the lines in the bill, I would suggest, and I think we have done it before—I think the gentleman from Bucks, Senator Lewis, might acknowledge this—that by the use of a pencil or some mark that we could agree on that that could be placed in the proper form while on the desk, is that correct, Mr. President?

The PRESIDENT. Does the gentleman from Philadelphia wish to re-mark the amendment?

The Senate will be at ease.

(The Senate was at ease.)

Senator GEKAS. Mr. President, after reconsultation between the Majority and the Minority on that issue, it has been determined that, in fact, the bill is in proper shape and does take care of the intent of the chief sponsor of the amendments.

Senator HANKINS. Mr. President, I have not been on the floor for quite a while, but in this conversation that is going on about the taxi services in Philadelphia, even though the numbers of certificates have been issued, I find that in the district, particularly in the district I represent, I have not received and we are not receiving sufficient service that should be available to that area. Even though I am not particularly

satisfied with the services there, I think to bring into the City of Philadelphia the conventions necessary for that city, and with the impact of Atlantic City and other areas nearby Philadelphia, that it is a necessity that we have the numbers of cabs that will be necessary to carry these people to and from the areas in which they go. At this point I have not been satisfied in my district and the many calls that come in each and every day; I received some information that there are twenty calls coming in from cabs from the northeast to the airport in Philadelphia and they are not able to receive services. Therefore, I will have to and will urge everyone to support the amendments to increase the numbers of cabs in Philadelphia because we need that service.

Senator LEWIS. Mr. President, simply, so there be no confusion, let me say that upon second checking, staff has confirmed the comments made by the gentleman from Dauphin, Senator Gekas—

POINT OF ORDER

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

The PRESIDENT. The gentleman from Philadelphia, Senator Street, will state it.

Senator STREET. Mr. President, I think our Rules indicate one person cannot speak more than twice on the same issue. I believe the gentleman from Bucks, Senator Lewis, has already spoken twice on this issue. I would respectfully request that he sit down.

Senator LEWIS. Mr. President, if the gentleman does not want to know I am going to say the point I raised before was in error, that is his business.

The PRESIDENT. On the gentleman's point, the Senator is in order to speak more than twice on the issue with the consent of the Senate. If there is not the consent of the Senate, then he is not in order to speak at this time. I assume the gentleman objects.

Senator STREET. Mr. President, may I speak for the Senate?

Senator BELL. Mr. President, insofar as there is apparently a personal mix-up in here and I am not into the fight, I have been up here since around 9:00 this morning, it is 9:30 p.m. right now, and I would suggest the extra speeches be under petitions and remonstrances, because at 9:30 at night, without having had dinner, I do not think this is time for people to talk three or four times.

The PRESIDENT. The Chair interprets the remarks by the gentleman to mean that the Senator from Bucks does not have the leave of the Senate to speak more than twice on the issue.

Senator LLOYD. Mr. President, this is only my second and last time on the amendments. It is my understanding what the gentleman from Bucks, Senator Lewis, wanted to say was that at one point when he was addressing the issue, he indicated there was a technical or drafting problem with the amendments, and the gentleman from Bucks, Senator Lewis, wanted to make it clear that upon rechecking that, he was incorrect and wanted to, out of courtesy, extend that information to the gentleman from Philadelphia, Senator Street.

While I have the microphone for a second time, I would like to keep it. The gentleman from Philadelphia, Senator Price,

has indicated that we have authorized 2,000 cabs for Philadelphia, that approximately 500 are on the street. There is no reason to believe that by virtue of having an unlimited number of certificates, that is going to increase the number of cabs over 500. That is simply not the problem here. The problems are many and varied and apparently the number of cabs and certificates that are authorized do not represent an answer to the problem. They do not represent an answer to the problem that it is difficult to get cab service in the district of the gentleman from Philadelphia, Senator Hankins. They do not represent an answer to the problems that Yellow Cab has had over the past several years and they will not, by virtue of lifting the cap entirely, put more common carriers, more cabs onto the streets of Philadelphia. We have to address the root causes of the problem, the root causes that we dealt with very effectively and the gentleman from Philadelphia, Senator Price, dealt with effectively during 1980. It is unfair for us to indicate to the people of Philadelphia and to the visitors of Philadelphia that these amendments will improve cab service in that city.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—27

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

NAYS—21

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

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

The PRESIDENT. Senate Bill No. 913 will go over, as amended.

SB 923 (Pr. No. 1057) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 2133), page 1, line 18, by striking out "SEPTEMBER, OCTOBER, NOVEMBER;" and inserting: July, August, September;

Amend Sec. 1 (Sec. 2133), page 1, line 19, by striking out "DECEMBER, JANUARY, FEBRUARY;" and inserting: October, November, December;

Amend Sec. 1 (Sec. 2133), page 1, line 19, by striking out "MARCH, APRIL, MAY;" and inserting: January, February, March;

Amend Sec. 1 (Sec. 2133), page 1, line 20, by striking out "JUNE, JULY AND AUGUST." and inserting: April, May and June.

Amend Sec. 1 (Sec. 2133), page 2, lines 9 and 10, by striking out "The above reports shall be sent to THE MAJORITY AND MINORITY CHAIRMEN" and inserting: Districts of the first class shall send reports containing the quarterly budgets to the chairman and minority chairman

Amend Sec. 1 (Sec. 2133), page 2, line 12, by inserting a comma after "SENATE"

Amend Sec. 1 (Sec. 2133), page 2, line 12, by inserting a comma after "PRESIDENT"

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1484 (Pr. No. 1978) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2, by striking out "CONSTRUCTION,"

Amend Title, page 1, line 3, by striking out ", EXTENSION"

Amend Sec. 1, page 1, line 11, by striking out "CONSTRUCTION,"

Amend Sec. 1, page 1, line 12, by striking out ", EXTENSION"

Amend Sec. 3, page 2, line 10, by striking out "CONSTRUCT,"

Amend Sec. 3, page 2, line 10, by striking out ", EXTEND"

Amend Sec. 5, page 2, line 21, by striking out "CONSTRUCTION,"

Amend Sec. 5, page 2, line 22, by striking out ", EXTENSION"

On the question,

Will the Senate agree to the amendments?

Senator REIBMAN. Mr. President, the Members will recall I had introduced a bond issue of \$100 million for the restoration, rehabilitation and repair of water supply projects because of the drought situation in Pennsylvania and the fact that our water table is so low. Shortly afterwards an expanded bond issue bill, Senate Bill No. 849, was introduced and I joined in cosponsoring that. That would have increased the bond issue amount from \$100 million to \$300 million and also included port facilities and flood control facilities. That bill passed unanimously and was sent over to the House.

We now have on our Calendar House Bill No. 1484, which incorporates all of the provisions of Senate Bill No. 849 which I support, but it was expanded on third consideration in the House by an amendment to include construction and extension of all of the facilities which are the subject of House Bill No. 1484.

Mr. President, when Senate Bill No. 849 was introduced I got some information from the Secretary of Environmental Resources, asking what the breakdown would be with respect to the amount of money, how much would be going for the much needed water supply facilities in order to provide Penn-

sylvania industry, agriculture and consumers with sufficient water. It was my understanding the legislation which would implement this bond issue referendum would earmark ten percent of the bond issue, some \$30 million to the Department of General Services for port repairs; that would rebuild the docks, railroad spurs, warehouses and loading equipment in the ports of Philadelphia, Erie and Pittsburgh. That would leave then the remainder of that bond issue of \$270 million to fund a loan program administered by the Department of Environmental Resources to rehabilitate water supply and flood control facilities. The Department has identified over \$500 million needed in this area alone. While only \$270 million will be available, the need is enormous.

Mr. President, we have before us House Bill No. 1484 which extends this money, much needed money, to include construction and extension. I do not know what they are planning to construct. Does this mean they are going to construct brand new facilities rather than to rehabilitate those already in place and serving so many of our smaller communities throughout rural Pennsylvania or what does extension mean? We have no idea. I have no information as to how much money would then be diverted from the water supply systems which are so badly needed and which would help to make Pennsylvania a more water rich State for industry to come into this State.

For that reason, Mr. President, I have offered the amendments to remove extension and construction. I would ask for support of those amendments.

Senator MOORE. Mr. President, although the points made by the lady from Northampton, Senator Reibman, have merit and would bring House Bill No. 1484 back to the language contained in the bill which was earlier passed in the Senate, I think the implementing legislation can accomplish the same thing and in the interest of time I would ask my colleagues, at least on this side of the aisle and any on the other side of the aisle that see fit, to vote "no" on the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—22

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

NAYS—26

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

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

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 168, 425 and 681**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence **HB 1437**, which was referred to the Committee on State Government.

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 8, 153, 633 and 719**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 261, 456, 643 and 644**.

BILLS SIGNED

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

SB 8, 153, 568, 633, 719, HB 261, 383, 456, 643 and 644.

RECESS

Senator JUBELIRER. Mr. President, at this time I would request a very brief recess of the Senate to last approximately five minutes. The purpose of which is to have a meeting of the Committee on Rules and Executive Nominations at the rear of the Chamber in the Rules Committee room to begin immediately. During the time, Mr. President, that the Committee on Rules and Executive Nominations is in session the Supplemental Calendars on communications from the House will be distributed. I would remind the Members there are still a number of roll calls on the Supplemental Calendar and some roll calls on the second reading Calendar as well and likely one executive nomination. I recognize the hour is late but we will try to move with as much haste as possible.

At this time I would ask the Members of the Committee on Rules and Executive Nominations to come to the Rules Committee room.

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

AFTER RECESS

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

SENATOR JUBELIRER TO VOTE FOR SENATOR STAUFFER, SENATOR TILGHMAN AND SENATOR WILT

Senator JUBELIRER. Mr. President, Senator Stauffer, Senator Tilghman and Senator Wilt are on legislative business temporarily. I would request legislative leave for them.

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

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 PENNSYLVANIA LABOR RELATIONS BOARD

April 6, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ralph F. Scalera, Esquire, 1080 River Road, Beaver 15009, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1983, and until his successor shall have been appointed and qualified, vice James H. Jones, Philadelphia, resigned.

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—27

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

NAYS—17

Andrezeski	Kelley	Mellow	Smith
Bell	Lewis	Murray	Stapleton
Bodack	Lincoln	O'Pake	Stout
Early	Lloyd	Singel	Zemprelli
Hankins			

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

The PRESIDENT Pro Tempore (Henry G. Hager) in the Chair.

SUPPLEMENTAL CALENDAR

BILL ON CONCURRENCE
IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 681 (Pr. No. 1126) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 681.

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

Senator TILGHMAN. Mr. President, there is nobody on the floor, but just for the record, I am going to vote in the negative. In the largess of the House, I believe they added \$200,000 more to this bloated Public Utility Commission and I urge a vote in the negative.

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

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

YEAS—39

Andrezeski	Hopper	Mellow	Scanlon
Bell	Howard	Messinger	Shaffer
Corman	Jubelirer	Moore	Singel
Fisher	Kelley	Murray	Smith
Gekas	Lewis	O'Connell	Snyder
Hager	Lincoln	O'Pake	Stauffer
Hankins	Lloyd	Reibman	Street
Helfrick	Loeper	Rhoades	Wilt
Hess	Lynch	Romanelli	Zemprelli
Holl	Manbeck	Ross	

NAYS—9

Bodack	Kusse	Price	Stout
Early	Pecora	Stapleton	Tilghman
Greenleaf			

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION AMENDED

HB 103 (Pr. No. 2023) — The bill was considered.

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

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

Amend Sec. 3 (Sec. 505), page 6, lines 12 through 30, by striking out "And, further provided, That" in line 12, all of lines 13 through 30; page 7, lines 1 through 5, by striking out all of said lines and inserting: and the mortgagee may not charge any additional fees when the interest rate increases or decreases;

Amend Sec. 4, page 7, line 26, by striking out "sections" and inserting: a section

Amend Bill, page 7, lines 27 through 30; page 8, lines 1 through 7, by striking out all of said lines on said pages and inserting: Section 505.1. Disclosure.

Amend Sec. 4 (Sec. 505.3), page 8, line 12, by striking out all of said line and inserting: between the date of the loan and the date of the maturity.

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

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

It was agreed to.
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 117 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILLS ON SECOND CONSIDERATION

SB 283 (Pr. No. 1079) and HB 303 (Pr. No. 309) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 305 (Pr. No. 1773) — Upon motion of Senator MOORE, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 348 (Pr. No. 1071) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 566 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL OVER IN ORDER TEMPORARILY

SB 577 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL OVER IN ORDER

HB 581 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 592 (Pr. No. 1026) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL LAID ON THE TABLE

SB 620 (Pr. No. 637) — Upon motion of Senator JUBELIRER, and agreed to, the bill was laid on the table.

BILL OVER IN ORDER

SB 635 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

SB 784 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 805 (Pr. No. 1022) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 11, by inserting after "identification": in primary elections

Amend Bill, page 2, lines 26 through 30; page 3, lines 1 through 19, by striking out all of said lines on said pages

Amend Sec. 3, page 3, line 20, by striking out "3." and inserting: 2.

Amend Sec. 3, page 3, lines 20 through 21, by striking out "AND SUBSECTION (B) OF SECTION 1003"

Amend Sec. 3, page 3, line 22, by striking out "ARE" and inserting: is

Amend Sec. 3 (Sec. 1003), page 5, lines 3 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages

Amend Sec. 4, page 6, line 12, by striking out "4." and inserting: 3.

Amend Sec. 4 (Sec. 1110), page 6, line 19, by striking out "The" and inserting: For the primary election, the

Amend Sec. 5, page 6, line 27, by striking out "5." and inserting: 4.

Amend Sec. 5 (Sec. 1109-A), page 7, line 9, by striking out "OPPOSITE" and inserting: For the primary election, opposite

Amend Sec. 6, page 7, line 24, by striking out "6." and inserting: 5.

Amend Sec. 6, page 7, line 25, by striking out " , municipal or general"

Amend Sec. 6, page 7, line 27, by striking out "of said" and inserting: primary

On the question,

Will the Senate agree to the amendments?

Senator MOORE. Mr. President, by way of explanation, Senate Bill No. 805 amends the Election Code to require the listing on the election ballot of the political party designation of all candidates for judges of the courts of record, the school directors and district justices. If a candidate is unregistered, the word "unregistered" would appear with his name on the ballot where his party affiliation would normally be designated. A similar listing would be required on ballot labels of voting machines. Cross-filing in Primary Elections for those offices mentioned would not be altered except for listing the party affiliations. The purpose of Senate Bill No. 805 is to eliminate confusion caused by lengthy ballots and enable voters to distinguish the party affiliation of each candidate. The bill was amended in the House to make some technical changes in the bill. I think the amendments inserted in the House are proper and I would request that these amendments, which would confine the bill or restrict the bill to Primary Elections, be adopted by my colleagues.

Senator LEWIS. Mr. President, it seems the amendments strike at the very concept of cross-filing, which is to try to keep politics out of the election process in the selected areas where cross-filing is permitted. For that reason, we ask for a negative vote on the amendments and ask for a roll call vote.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—26

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

NAYS—22

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

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

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

SB 577 CALLED UP

SB 577 (Pr. No. 589) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 577 (Pr. No. 589) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 203), page 1, line 18, by inserting after "Participants.—": (a)

Amend Sec. 1 (Sec. 203), page 2, line 5, by striking out the bracket before "with"

Amend Sec. 1 (Sec. 203), page 2, line 6, by striking out the bracket after "older"

Amend Sec. 1 (Sec. 203), page 2, by inserting between lines 7 and 8:

(b) The limitations set forth in subsection (a) shall not apply to sanctioned boxing events for the Junior Olympics under the direction of the Amateur Athletic Union. For purposes of the Junior Olympic events, participants with the written permission of a parent or legal guardian, may only box in the following age divisions: (i) ten (10) and eleven (11) years of age; (ii) twelve (12) and thirteen (13) years of age; and (iii) fourteen (14) and fifteen (15) years of age. Under no circumstances shall any participant take part in any event outside of the approved division for such age group.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 812, 825 and 831 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 921 (Pr. No. 1032), HB 949 (Pr. No. 1990) and HB 1057 (Pr. No. 1171) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1379 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1485 (Pr. No. 1725) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

SB 784 CALLED UP

SB 784 (Pr. No. 911) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY

SB 784 (Pr. No. 911) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GEKAS offered the following amendments:

Amend Sec. 1 (Sec. 5537), page 2, lines 7 through 9, by striking out "13 Pa.C.S. § 9109" in line 7, all of lines 8 and 9 and inserting: subsection (b)(1).

Amend Sec. 1 (Sec. 5537), page 2, line 13, by inserting after "detectable": or the cause of the injury was not known or reasonably determinable

Amend Sec. 1 (Sec. 5537), page 2, lines 15 through 27, by striking out all of said lines and inserting:

(b) General statute of repose.—

(1) No product liability action, as defined in section 8363 (relating to definitions), other than those set forth in subsection (a), arising out of consumer goods may be brought more than 12 years from the time the person who is primarily responsible for manufacturing the final product parted with its possession and control, or sold it, whichever occurred last.

(2) No product liability action, as defined in section 8363, other than those set forth in subsection (a), arising out of nonconsumer goods may be brought more than 30 years from the time the person who is primarily responsible for manufacturing the final product parted with its possession and control, or sold it, whichever occurred last.

(3) As used in this subsection the following words and phrases shall have the meanings given to them in this paragraph:

"Consumer goods." Any goods ordinarily used or purchased for personal, family or household purposes, even if used or purchased for business or other purposes.

"Nonconsumer goods." Goods not ordinarily used or purchased for personal, family or household purposes.

(c) Two-year statute of limitation.—

(1) Any product liability action set forth in subsection (a) shall be brought within two years after the date on which that action accrued.

(2) Any product liability action set forth in subsection (b) accruing during or prior to the time limits set forth therein shall be brought within two years after the date on which that action accrued.

(3) This subsection shall not be construed to alter any time limits contained in Title 13 (relating to commercial code).

Amend Subchapter analysis, page 3, line 16, by striking out all of said line

Amend Subchapter analysis, page 3, line 17, by striking out "8362" and inserting: 8361

Amend Subchapter analysis, page 3, by inserting between lines 17 and 18: 8362. Scope of subchapter.

Amend Subchapter analysis, page 3, line 26, by striking out all of said line

Amend Subchapter analysis, page 3, line 27, by striking out "8371" and inserting: 8370

Amend Subchapter analysis, page 3, line 28, by striking out "8372" and inserting: 8371

Amend Subchapter analysis, page 3, lines 29 and 30; page 4, line 1, by striking out all of said lines on said pages

Amend Sec. 2, page 4, by inserting between lines 1 and 2:

§ 8361. Short title of subchapter. This subchapter shall be known and may be cited as the "Product Liability Law."

Amend Sec. 2 (Sec. 8361), page 4, line 2, by striking out all of said line and inserting:

§ 8362. Scope of subchapter.

Amend Sec. 2, (Sec. 8361), page 4, line 3, by striking out "act" and inserting: subchapter

Amend Sec. 2 (Sec. 8361), page 4, line 4, by striking out "act" and inserting: subchapter

Amend Sec. 2, (Sec. 8362), page 4, lines 16 through 18, by striking out all of said lines

Amend Sec. 2 (Sec. 8363), page 5, line 9, by striking out "ACTUAL IMPORTER OF" and inserting: seller who last sold

Amend Sec. 2 (Sec. 8363), page 5, line 9, by removing the comma after "PRODUCT" and inserting: within this Commonwealth

Amend Sec. 2 (Sec. 8363), page 5, line 11, by inserting after "JURISDICTION": within this Commonwealth

Amend Sec. 2 (Sec. 8363), page 5, line 13, by inserting after "manufactured": or last sold

Amend Sec. 2 (Sec. 8363), page 5, lines 13 and 14, by striking out "has been judicially declared insolvent or bankrupt" and inserting: is not financially responsible

Amend Sec. 2 (Sec. 8363), page 5, by inserting between lines 29 and 30:

"Product design or formula."

When used in section 8368 (relating to liability for product design or formula), the term shall not include food, drugs or other products intended for intimate bodily use.

Amend Sec. 2 (Sec. 8363), page 6, line 12, by striking out "such"

Amend Sec. 2 (Sec. 8364), page 6 lines 25 and 26, by striking out both of said lines and inserting:

(3) The product was dangerous to an extent beyond that which would be contemplated by the ordinary user or consumer, with the ordinary knowledge common to the community as to its characteristics.

Amend Sec. 2 (Sec. 8364), page 6, line 28, by striking out "of" where it appears the second time and inserting: or

Amend Sec. 2 (Sec. 8365), page 7, line 18, by inserting a period after "Misrepresentation"

Amend Sec. 2 (Sec. 8365), page 7, lines 18 and 19, by striking out "concealment or nondisclosure," in line 18, and all of line 19

Amend Sec. 2 (Sec. 8366), page 8, line 4, by inserting after "caused": solely

Amend Sec. 2 (Sec. 8366), page 8, line 17, by striking out "includes, but is not limited to," and inserting: means

Amend Sec. 2 (Sec. 8367), page 8, line 24, by inserting after "caused": solely

Amend Sec. 2 (Sec. 8367), page 8, line 24, by inserting after "the": unforeseeable

Amend Sec. 2 (Sec. 8367), page 8, lines 27 and 28, by striking out "include, in addition to uses deemed to constitute misuse" in line 27, all of line 28 and inserting: mean where the harm resulted because the product was mishandled in a way which the manufacturer had no reason to expect.

Amend Sec. 2 (Sec. 8367), page 8, lines 29 and 30; page 9, lines 1 through 12, by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 8368), page 9, line 21, by striking out "utilization of" and inserting: technology for

Amend Sec. 2 (Sec. 8368), page 9, line 22, by striking out "and was readily available to the" and inserting: to or reasonably could have been developed by the

Amend Sec. 2 (Sec. 8368), page 9, line 24, by striking out "such utilization" and inserting: the utilization of such technology

Amend Sec. 2 (Sec. 8368), page 9, line 24, by striking out "prevented" and inserting: been a substantial factor in preventing

Amend Sec. 2 (Sec. 8368), page 9, line 24, by inserting a period after "damage"

Amend Sec. 2 (Sec. 8368), page 9, lines 24 and 25, by striking out "or" in line 24 and all of line 25

Amend Sec. 2 (Sec. 8368), page 9, lines 28 to 30 and line 1, page 10, by striking out "decide whether an" in line 28; all of lines 29 and 30, page 9 and "considering" in line 1, page 10 and inserting: consider

Amend Sec. 2 (Sec. 8368), page 10, lines 22 and 23, by striking out "inappropriate to or"

Amend Sec. 2 (Sec. 8368), page 10, line 23, by striking out "a" and inserting: the principal

Amend Sec. 2 (Sec. 8369), page 11, lines 8 to 22, by striking out all of lines 8 through 21 and "(c)" in line 22 and inserting: (b)

Amend Sec. 2 (Sec. 8369), page 11, line 27, by striking out "the" where it appears the first time and inserting: a

Amend Sec. 2 (Sec. 8370), page 11, lines 28 through 30; page 12, lines 1 through 9, by striking out all of said lines

Amend Sec. 2 (Sec. 8371), page 12, line 10, by striking out "8371" and inserting: 8370

Amend Sec. 2 (Sec. 8371), page 12, lines 11 and 12, by striking out "a presumption shall be created" and inserting: as set forth in section 8365 (relating to permissible theories for product liability actions), it shall be admissible and the trier of fact shall be instructed to consider

Amend Sec. 2 (Sec. 8371), page 12, lines 12 and 13, by striking out "nor the defendant negligent"

Amend Sec. 2 (Sec. 8371), page 12, line 15, by removing the comma after "THE"

Amend Sec. 2 (Sec. 8371), page 12, line 16, by striking out "or methods of testing"

Amend Sec. 2 (Sec. 8371), page 12, line 19, by striking out "feasible" and inserting: available

Amend Sec. 2 (Sec. 8371), page 12, line 20, by removing the period after "product" and inserting: or reasonably could have been developed by the manufacturer at the time the product was manufactured.

Amend Sec. 2 (Sec. 8372), page 12, line 21, by striking out "8372" and inserting: 8371

Amend Sec. 2 (Sec. 8372), page 13, lines 4 and 5, by striking out ". Provided, however, That this" and inserting: . This

Amend Sec. 2 (Sec. 8372), page 13, line 8 by inserting a comma after "witness"

Amend Sec. 2 (Sec. 8372), page 13, line 8, by striking out "or"

Amend Sec. 2 (Sec. 8372), page 13, line 8 by removing the period after "testimony" and inserting: or to prove any of those elements listed in section 8368(b) (relating to liability for product design or formula)

Amend Bill, page 13, lines 9 through 30; page 14, lines 1 through 30; page 15, lines 18 through 30; by striking out all of said lines on said pages

Amend Bill, page 13, lines 9 through 30; page 14, lines 1 through 30; page 15, lines 18 through 30; by striking out all of said lines on said pages

Amend Sec. 4, page 16, line 5, by striking out "State" and inserting: Commonwealth

Amend Sec. 4, page 16, line 6, by inserting after "the" where it appears the second time: Insurance

Amend Sec. 4, page 16, lines 6 and 7, by striking out "of Insurance:" and inserting a colon

Amend Sec. 4, page 17, line 21, by removing the comma after "expenses"

Amend Sec. 4, page 18, line 17, by striking out ": provided that the" and inserting: The

On the question,

Will the Senate agree to the amendments?

Senator GEKAS. Mr. President, these amendments to the important product liability bill are the work of a group of interested parties including the Chamber of Commerce, other groups umbrellaed underneath the Chamber of Commerce who are specifically interested in product liability reform, a small businessmen's group, et cetera, et cetera, who were proponents from the start for product liability and, on the other side, opponents of the original concept of product liability, the trial lawyers, who themselves, together with their colleagues and the opponents, met with the gentleman from Blair, Senator Jubelirer, and through his good offices and his office physically, geographically his office, met for several sessions with a cumulative time of more than twenty hours of reconciliation and conciliation, came up with these amendments. Except for the general concept that is embodied in the bill perhaps, they reached areas of agreement which, as I have said, have been incorporated in these amendments.

Mr. President, I am willing to go into specifics of what they agreed but because the hour is late, I had thought perhaps the Body could accept the amendments and see what they look like in the context of the final bill which would be on the desk tomorrow, but the gentleman from Allegheny, Senator Bodack, might have some different ideas about that.

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

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

Senator GEKAS. I will, Mr. President.

Senator BODACK. Mr. President, I did have a technical problem with the amendments, but the gentleman from Dauphin, Senator Gekas, has shown me my false ways and I will take that up with him tomorrow after the—

The PRESIDENT pro tempore. Might the Chair ask that you speak directly into the microphone. It is difficult for you to be heard unless you are doing that. I cannot hear you, for instance, here.

Senator BODACK. Why certainly, Mr. President. I would be happy to.

I would like to ask, Mr. President, why these amendments are necessary?

Senator GEKAS. Mr. President, the original bill when it first hit the printer's press, met with some immediate objections on the part of, for instance, the trial lawyers. They were unhappy with some of the provisions. We arranged at that

time, those of us who were interested in getting some bill passed in this very important field, for several meetings among the people interested in this legislation. The amendments that are before you are a compromise updating conciliation, if you will, of the various views that were originally enunciated in this field.

To give the gentleman from Allegheny, Senator Bodack, an idea, the very conference the gentleman and I held on one aspect of this did not even appear on the original bill. There was a flat out statute of repose in the original bill which, by virtue of the amendments, is now a two-tiered kind of statute of repose which is much better for everybody concerned, even the original opponents of the legislation.

Senator BODACK. Mr. President, I would like to ask what the gentleman's amendments do for the consumers of this Commonwealth?

Senator GEKAS. Mr. President, it will help keep prices down in the foreseeable future because if product liability insurance premium rates are reduced as a result of this legislation, then the cost of doing business on the part of a small businessman, a seller, a distributor or a small manufacturer or large manufacturer, will be less, therefore, the price of the products should be less because as it now stands, all those high insurance costs for product liability that are paid by a seller, Mr. President, are passed on to the consumer, saving some of the overhead for the seller means savings for the consumer.

Senator BODACK. Mr. President, I have heard complaints about premiums being raised, and I would like to ask just how much those premiums have been raised and just what kind of savings we are going to see on the premiums?

Senator GEKAS. Mr. President, the evidence is overwhelming that over the last few years the rates for product liability insurance have risen sometimes by a thousand per cent—I am not exaggerating, I do not believe—maybe 900 per cent. Really at a tremendous rate, they have increased with the comparable rise in some of the cost of doing business, which as I say has been passed on to the consumers, and the consumers are suffering from enough facets of inflation to have to put up with that as well.

Senator BODACK. Mr. President, is it not true that in every Session of the General Assembly, when this bill has been considered in the past, the insurance industry testified this kind of bill would not bring about any premium reduction?

Senator GEKAS. Mr. President, that may be so but we feel we have to do something. We feel once we put this into line, it will compel all the forces in the marketplace having to do with product liability to converge into a pathway that will lead to predictability, lower insurance rates, lower cost to the consumer.

Senator BODACK. Mr. President, the general statute of repose as referred to in the amendments presents us with a concept that twelve years after a consumer product has been made, a user can no longer sue the manufacturer and, of course, that is thirty years for nonconsumer goods, is that correct?

Senator GEKAS. That is correct, Mr. President.

Senator BODACK. I would like to ask the gentleman, Mr. President, because I have a nuclear plant adjacent to my district, I believe it is Shippingport Plant, which is in excess of thirty years old. Because of the experience which I am sure concerns the gentleman from Dauphin, Senator Gekas, in the recent past at Three Mile Island, I would like to know just what would happen because of these amendments if something went haywire at Three Mile Island again and the worst was to happen. Is it true, Mr. President, under the amendments of this bill, that the injured citizens could not sue under the theory of strict liability?

Senator GEKAS. Mr. President, if the product was made in this case thirty years or more before the incident that the gentleman is talking about, that would be absolutely correct.

Senator BODACK. Mr. President, I think the gentleman is saying—

Senator GEKAS. Excuse me, Mr. President, we are talking about general nonconsumer products but we are not talking about those products that might be controlled or affected by Federal legislation. The Three Mile Island apparatus and plant are ninety-eight to ninety-nine per cent covered by Federal legislation which preempts any kind of State intervention even in this field.

Senator BODACK. I would think that is true, Mr. President. Is the gentleman telling us because of those conditions, if that situation were to happen now that the residents would have no claim against anyone except the Federal government?

Senator GEKAS. In fact, Mr. President, the claims can go nowhere else except through the Federal government, no matter what else happens.

Senator BODACK. Mr. President, I fail to see and I would like to have the gentleman tell me what valid social purpose is being served by preventing a person from suing under strict liability where he was injured by a defective or dangerous product because of a manufacturer's failure to warn?

Senator GEKAS. Mr. President, it was felt that the failure to warn which was part of strict liability before is totally divorced from the concept of strict liability in the first place. The failure to warn, if it is applicable to the way the person was injured, really has to do with negligent conduct. Therefore, the person who is injured who is not robbed of a cause of action, that injured person could still sue on the basis of negligence. If he can attribute the failure to warn and approximate it to his injuries, he can still sue on the basis of a failure to warn. What we merely tried to do was to say, rather than to say a duty to warn is lumped into strict liability which is almost like a guarantee which should have no place in this kind of law, we deleted it from product liability, strict liability.

Senator BODACK. Mr. President, I wonder if the gentleman would agree with me that before we do these amendments or anything that deals with property and casualty insurance law, that is medical malpractice insurance, worker's compensation or product liability, automobile no-fault among other things, that what we ought to do is have an insurance company financial disclosure law so we can make informed decisions?

Senator GEKAS. Mr. President, not necessarily. We feel we must put a law into place and have the tail follow the dog rather than the dog follow the tail. We put everything into place which will help the consumer, help the small businessman, help the stability of the law, the predictability of this law and then everything else, if we monitor carefully and watch carefully, will fall into place for stabilized insurance rates and stabilized consumer prices.

Senator BODACK. Mr. President, the gentleman has referred to some of the effects of his amendments dealing with a reduction in premiums. I would like to ask how, on behalf of the Pennsylvania manufacturers, their premiums could be reduced with uneven statutes?

Senator GEKAS. I did not catch the last part, Mr. President.

Senator BODACK. I would like to know, Mr. President, how Pennsylvania manufacturers could have premiums reduced with uneven statutes? By that I mean, as most of the products that are manufactured here are shipped out of State and there are States where these laws do not prevail, I would like to know, with a national insurance company, how that could reduce premiums?

Senator GEKAS. Insurance companies, as I understand, Mr. President, have ways of staggering those types of premiums to take into account foreign States and other jurisdictions, but that is not our problem. Our problem is to put something in place, I repeat, which will result in all these other facets of the whole problem taking shape and themselves getting into place to help all of the people who need help in this area.

Senator BODACK. Mr. President, while we are on the subject of outside of the confines of the Commonwealth of Pennsylvania, I would like to ask the gentleman why people in other States would have the opportunity to sue manufacturers from Pennsylvania under their laws, but the residents of the Commonwealth could not? Nor could they sue manufacturers from other States based on Pennsylvania law.

Senator GEKAS. Mr. President, we may be on the threshold, to answer the gentleman's question, of becoming leaders in this field and putting something into place, again to use that phrase, which will be emulated by other States until we have a uniform system of product liability reform which will benefit every consumer, Pennsylvanian or non-Pennsylvanian. We have to start somewhere. Many people have waited for the Congress to act in this regard. We cannot wait. We must take some action now. We feel the other jurisdictions will fall into place behind the leadership of Pennsylvania.

Senator BODACK. Mr. President, the gentleman brings up premiums. I would like to ask another question. I would like to ask what the ratio is between the premiums paid by the manufacturers of this Commonwealth as opposed to the payments on the lawsuits they encounter?

POINT OF INFORMATION

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, is the interrogation of the gentleman from Allegheny, Senator Bodack, on the bill or on the amendments? It seems to me it is on the bill and he would be out of order. If he could confine it to the amendments, I think we could get on with it.

Senator BODACK. Mr. President, my interrogation is based on the amendments. I asked the gentleman about his amendments. He is the one who told me we would save premiums. I would like to know if we are going to save premiums what the ratio is between the premiums. The gentleman cannot tell me the savings in premiums. I would like to know if he can tell me the savings in premiums and the effect on the consumers. I would like to know from him just what the ratio is between premiums and payments.

Senator GEKAS. Mr. President, I have no idea about the ratios that are the subject of the gentleman's question. I do know it will have a beneficial, ultimate benefit for the consumers.

Senator BODACK. Mr. President, I have only been in this Senate for two and a half years, but I know there are many questions that have been asked for many more years that I have been around here about product liability and I am sure many of them were asked without an answer. I would like to again make inquiries. The sponsor of the bill is not able to answer those questions to my satisfaction. I feel those questions need answers before we can honestly vote for Senate Bill No. 784 in an amended form or in any form or on the amendments that are before us this evening.

Mr. President, these amendments purport that there is a problem to be addressed. I ask the question, what is it? I am still waiting for an answer. I cannot find out. I have heard complaints about premiums. I have heard we are going to have reduced premiums. Just how much, we cannot be told at this time. I would like to know also what the average payment is in regard to those premiums on the average liability suit in Pennsylvania. I was almost called out of order for that one.

Mr. President, the question I would have asked but I cannot because we are not addressing the bill is, who wins the majority of cases in liability cases? Obviously I could not ask that.

It seems to me we need to know much more about the insurance industry in this area before intelligent votes can be cast. We also need to add extensive insurance disclosure requirements for the future before an "aye" vote can be made on this floor.

Mr. President, I do not see in these amendments, or in Senate Bill No. 784 for that matter, where premiums will be or can be reduced or where the wholesale or the retail prices of goods will be reduced as the gentleman mentioned before. I only see, Mr. President, where once again the consumer's rights will be curtailed. The general statute or reposed section of the amendments presents us with the concept that twelve years after a consumer product has been made, a user can no longer sue the manufacturer and it is thirty years for non-consumer goods.

Even if we could accept, Mr. President, this arbitrary date, how do we know when it would begin? Who would start the clock? Who would keep the records and the invoices needed to present a case?

Mr. President, I am sure we cannot at this time measure what it would cost you and me to exactly know when refrigerator "X," shaver "Y," or radio "Z" was made. That mountain of evidence if it is ever kept and if it is ever released, will be prohibitive in cost for equal justice.

On behalf of the Pennsylvania manufacturers, we cannot at this time determine by these amendments or by the amendments' sponsors how they would be protected in other States which do not have our laws. We cannot determine at this time how the premiums could be reduced with uneven statutes. The Pennsylvania consumer would lose through these amendments, Mr. President, and the Pennsylvania manufacturer does not win.

We have been informed by my colleague that the amendments offered today and the bill are a compromise. I wonder who the compromise is for. It has been said big business and the trial lawyers worked long and hard to create what we have before us this evening. Might I dare ask about the other millions of Pennsylvanians who did not participate in this compromise. I wonder, did working men and women join in making the final move, did the consumers, did the farmers or the housewives? Yet, Mr. President, the compromise was rendered. What are the people getting from it?

Mr. President, my questions beg answers. I will wait before I vote on these amendments in the affirmative to hear what is forthcoming.

Senator BELL. Mr. President, Article XIV, paragraph 15 does permit debate on second reading. I am not going to debate. It is almost midnight. We have been on the Hill since nine this morning. Tomorrow is a fresh day.

I do want the record to be clarified. My colleague and friend, the gentleman from Dauphin, Senator Gekas, said "people interested in this legislation met for twenty hours to work out this compromise." I know the gentleman does not mean to imply those who are present were there as the representatives of organized labor who normally represent an awful lot of working people. I do not think the gentleman means to imply that the representatives of organized consumer groups were there. I think from my interpretation of what the gentleman said, and I tried to follow this very carefully, but I do not want it misunderstood as to what he did say, the Chamber of Commerce and the people who are normally affiliated with the Chamber of Commerce were present, as were the trial lawyers.

The gentleman also mentioned various views were represented. I do not think all the various views were represented in this twenty some hours. Although I compliment those who tried to get two sides together, I think this question of product liability has about ten sides. There was very oddly missing the representatives of organized labor, the representatives or organized consumers groups. I do not agree with the gentleman from Dauphin, Senator Gekas, that we protect consumers groups by reducing the cost of manufacturing by

sacrificing human rights. Surely the gentleman does not mean we should wipe out minimum wages and thereby have slave labor produced, lower cost goods.

Let us call it as it was. Trial lawyers were there. The Chamber of Commerce and their people were there, nobody else was there.

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

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

Senator GEKAS. I will, Mr. President.

Senator MESSINGER. Mr. President, in presenting the amendments the gentleman from Dauphin, Senator Gekas, said there were present in this compromise the trial lawyers and the Chamber of Commerce, et cetera, et cetera, et cetera. Maybe these et ceteras if the gentleman would kindly give them to us, might allay some of the fears of his colleague, the gentleman from Delaware, Senator Bell.

Would the gentleman be kind enough to put a label to et cetera, et cetera, et cetera?

Senator GEKAS. Mr. President, I think there are only two et ceteras. I am not sure about three.

Mr. President, what I meant to imply by that was—a quick background for the gentleman's edification and for the refreshment of his recollection—this products liability issue that is before us is perhaps the third time the Senate has been presented with this in the last four years. In the sessions that were conducted before on this issue, if my colleague from Delaware, Senator Bell, would pay strict attention to this, we did have extensive hearings at which time labor and every considered element in Pennsylvania interested in this had an opportunity to testify. The Chairman of the Committee on Judiciary for this session, the speaker here, made the determination that quite enough of evidence had come in on all sides of this matter to be able to produce a bill now that would have taken into consideration all these views. The very last twenty hours, consisting of conferences to which I alluded, had to do with those areas in which the trial lawyers on one side, and the Chamber of Commerce on the other, were at odds. Even though all the views of all those various segments, the et ceteras, and the et ceteras were brought up, they offered relative to the compromise the fact that the et ceteras were already represented.

Senator MESSINGER. Mr. President, does the gentleman mean to infer that the et ceteras are satisfied with the compromise he has offered?

Senator GEKAS. Mr. President, I am not sure they were exposed to every element of the compromise. I have to acknowledge that. What I am saying, Mr. President, is the final bill we presented before these amendments was the result of the best language we could employ, the best provisions following literally years of consideration in which the opinions and the attitudes of all the elements which comprise the groups to which other Senators have made reference, were considered fully in hearings, in private correspondence, in consultations with various Senators, et cetera, et cetera.

Senator MESSINGER. Mr. President, I am still confused about so many et ceteras, but since that has been so adequately covered, I thank the gentleman.

Senator O'PAKE. Mr. President, the issue before us this evening is the amendments. I am urging my colleagues to support the amendments. They are protective of consumers and they substantially improve Senate Bill No. 784.

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

And the question recurring,

Will the Senate agree to the amendments?

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

Senator ZEMPRELLI. Mr. President, under a power of attorney I voted the gentleman from Philadelphia, Senator Smith, in the affirmative on the amendments. I am not sure what the gentleman's position may be. I would ask the gentleman be recorded as not voting.

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—45

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

NAYS—2

Andrezeski Bodack

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

On the question,

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

Senator JUBELIRER. Mr. President, I request Senate Bill No. 784 go over temporarily, as amended.

The PRESIDENT. Senate Bill No. 784 will go over temporarily, as amended.

SPECIAL ORDER OF BUSINESS

SUPPLEMENTAL CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 168 (Pr. No. 1131) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 168.

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

Senator ZEMPRELLI. Mr. President, I can understand the need for expediency in the handling of this bill as we have some time constraints.

I do want to protect my flank so to speak and advise my caucus that we have not caucused on Senate Bill No. 168, although we have, in fact, caucused on the subject matter of this bill as it would relate to House Bill No. 33.

Mr. President, I would simply make a statement as I read Senate Bill No. 168 for the Members of my caucus, it relates to the ability of a school district during fiscal year 1980-1981 to reopen its budget for the purpose of considering any fiscal matters, including reimbursements to its taxpayers in the event of a surplus.

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

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

YEAS—48

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 784 CALLED UP

SB 784 (Pr. No. 911) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 10 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 784 (Pr. No. 911) — And the question recurring,
Will the Senate agree to the bill on second consideration, as amended?

Senator ZEMPRELLI offered the following amendments:

Amend Bill, page 18, by inserting between lines 22 and 23:

Section 5. (a) The Commissioner of Insurance, within four years and six months of the effective date of this act, shall present to the General Assembly a report, based on the reports required of insurers under this act, and other pertinent data, on the effectiveness of this legislation in accomplishing the following:

(1) the reduction of successful product liability cases and the overall reduction in the amount of the awards in product liability cases in Pennsylvania; and

(2) the reduction of premiums, the minimization of premium increases or the maintenance of current premiums paid for product liability insurance to insurers in Pennsylvania as a result of the decrease in the number and overall amount of successful products liability awards; and

(3) the passage of these savings by insurers on to the consumer through reduced insurance premiums to manufacturers.

(b) The General Assembly, within five years and subsequent to the presentation of the report required of the Commissioner of Insurance in this section, must reenact this act for it to remain in effect. If the General Assembly takes no action or repeals this act, it shall expire after five years from its effective date or upon the effective date of its repeal.

Amend Sec. 5, page 18, line 23, by striking out "5." and inserting: 6.

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

Senator ZEMPRELLI. Mr. President, very simply stated the amendments would provide a form of sunset legislation or a provision dealing with sunset in the product liability bill under consideration. If it is in fact a purpose of the bill to improve product liability in Pennsylvania, it would seem that after this bill is enacted certain criteria would develop whether or not the product liability bill as we would pass it has met its purpose. This would provide for certain reports and provide for certain other statistical and demographic information to be provided. At the end of five years after the evaluation of that data, the General Assembly would then reenact product liability based on those reports and findings consistent with what our purpose and intent is.

That is the significance of the amendments, Mr. President.

Senator JUBELIRER. Mr. President, I must oppose the amendments of the gentleman from Allegheny, Senator Zempirelli, based on several considerations.

First of all, as the gentleman from Dauphin, Senator Gekas, has set forth, there was an extraordinary amount of negotiating back and forth by the various parties involved with the exception, as the gentleman from Delaware, Senator Bell, and the gentleman from Allegheny, Senator Bodack, have said of organized labor in coming up with the concensus group of amendments. As part of those negotiations those of us who were a part of trying to accomplish what has been placed in Senate Bill No. 784 agreed to oppose any further amendments at this time.

I think further on the substance of the amendments, Mr. President, they could, and I am a supporter basically of sunset legislation in many areas, but I think in this instance it would complicate the matter for various lawsuits that were in fact filed at the time this kind of provision might come into being and make certain lawsuits uncertain. For those reasons, Mr. President, I am asking the Members of the Senate to vote "no" on these particular amendments.

Senator ZEMPRELLI. Mr. President, one of the things that really does disturb me and it has been reiterated by the Majority Leader is the apparent assumption that all the

wisdom in the world belongs to the trial lawyers and the Chamber of Commerce to the exclusion of the rest of the world. I would hope to think there are many minds in this Body as there are throughout the more than twelve million people in this Commonwealth who were prepared to offer suggestions and amendments to a product liability bill that would make it a better bill. I would think the amendments I am offering were equally well thought out and bear consideration. I have no apology to make because the trial lawyers and the Chamber of Commerce people did not necessarily consider this of any great moment. It is a fact that I consider it a great moment and I am offering them for that purpose.

Senator BELL. Mr. President, I am going to support the Minority Leader on his amendments. As I listen to the gentleman talk about the trial lawyers, I just wonder if all the trial lawyers' thinking was represented in this compromise? "Trial lawyer" is another word for one who represents the injured plaintiff. I do not see all the injured plaintiffs being represented in this conference and I just wonder what gun was put to their head to have them agree to things like this?

Senator GEKAS. Mr. President, in addition to the rationale offered by the gentleman from Blair, Senator Jubelirer, about his objections to the amendments, I offer this suggestion. If indeed we had sunset legislation for a piece of legislation that had to do with provisions controlling the statute of limitations, the statute of repose, state of the art and other kinds of defenses that are met in court, then to have this kind of case law buildup that will inevitably buildup in the next five years, and then to have it cut off arbitrarily by the failure of this Legislature by some whim not to reenact it would be a travesty. It would be destruction of new precedent, it would be destruction of the continuity and stability we are trying to create with this legislation.

Mr. President, I urge defeat of this sunset that comes before its time.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

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

NAYS—25

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

Helfrick Loeper Rhoades Wilt
Hess

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

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR**

**BILL ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 425 (Pr. No. 1127) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 425.

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

RECESS

Senator ZEMPRELLI. Mr. President, Senate Bill No. 425 is a bill of great magnitude. We have not caucused on the issue. I understand the fee bill, the very infamous fee bill, of several of the past Administrations is a part of this.

Mr. President, I am requesting a recess of the Senate for the purpose of a caucus.

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator JUBELIRER. Mr. President, I would like to amend the gentleman's motion to say that those who have not had a chance to eat, get a chance to eat while they are in caucus and then ask the gentleman how long he expects to be in recess?

Senator ZEMPRELLI. Mr. President, this is what we usually refer to as an exercise in futility. I do not possess that kind of wisdom to be able to determine how long it will take in order to have a full appreciation of this legislation. I would hope it would not take very long because I am getting awfully tired and awfully sleepy. I notice some of my colleagues do not look as well as they looked at 9:00 this morning.

The PRESIDENT. For the purpose of a Democratic caucus and so certain Members may finally eat their dinners, the Chair declares the Senate in recess.

AFTER RECESS

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

BILLS SIGNED

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

SB 168, 681, HB 5, 568, 719 and 1484.

SUPPLEMENTAL CALENDAR RESUMED

The PRESIDENT. The Senate has before it, Senate Bill No. 425, Printer's No. 1127.

And the question recurring,

Will the Senate agree to the motion to concur in amendments made by the House to Senate Bill No. 425?

Senator GEKAS. Mr. President, I know there is going to a unanimous "yes" vote on Senate Bill No. 425 because this bill has to do with giving the blind and the handicapped additional opportunities to do business with the State. The bill passed unanimously in the Senate and the House voted the same way. There is no reason why we should flaunt the wishes of the blind and handicapped in trying to expand their contacts with the State contracts.

Mr. President, I know the Minority and the Majority will join hands in one rousing vote of confidence in the ability of the blind and handicapped to do additional business with the State.

Senator KELLEY. Mr. President, I want to commend the gentleman from Dauphin, Senator Gekas, and I join with him in wanting to take care of the handicapped. I think everyone on this side and I know everyone on the other side of the aisle would do the same thing. It is just most unfortunate it is commingled with some other disastrous concepts for the people of the Commonwealth. We have to balance these things out. Sometimes the innocent people, the deserving people must sacrifice what may be due and owing to them because somehow in the legislative process it has been prostituted with despicable content that is intolerable and unacceptable.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

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

NAYS—22

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

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

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

CONSIDERATION OF CALENDAR RESUMED**HB 1379 CALLED UP**

HB 1379 (Pr. No. 1554) — Without objection, the bill, which previously went over in its order, was called up, from page 11 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1379 (Pr. No. 1554) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

**SENATE RESOLUTION,
SERIAL NO. 47, CALLED UP**

Senator JUBELIRER, without objection, called up from page 11 of the Calendar, Senate Resolution, **Serial No. 47**, entitled:

Directing President Pro Tempore of Senate enter into contract with Pennsylvania Economy League to measure impact on school districts of mandates imposed by State and Federal Governments.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 47, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 47.

On the question,

Will the Senate agree to the motion?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Lycoming, Senator Hager.

The PRESIDENT. Will the gentleman from Lycoming, Senator Hager permit himself to be interrogated?

Senator HAGER. I will, Mr. President.

Senator KELLEY. Mr. President, Senate Resolution, Serial No. 47, would be authorization for the President pro tempore, the gentleman from Lycoming, Senator Hager, to sign a contract with the Pennsylvania Economy League. I was wondering if, indeed, the gentleman has predisposed it already to have the Economy League do it or what kind of study the gentleman would like, or was there somebody in the private sector who would be equally qualified, or does the gentleman want to put competitive bids out for it, or of what nature? It just seems to me that it might be a consideration for the gentleman, what the gentleman's thoughts are on it.

Senator HAGER. Mr. President, I agree.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

**HOUSE CONCURRENT RESOLUTION
NO. 83, CALLED UP**

Senator JUBELIRER, without objection, called up from page 11 of the Calendar, House Concurrent Resolution No. 83, entitled:

General Assembly appoints The Franklin Mint, official minter for the "Tercentenary" and "75th Anniversary of the Capitol" medals.

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

**SENATE CONCURS IN HOUSE
CONCURRENT RESOLUTION**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 83.

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

Senator MELLOW. Mr. President, I would like to recorded "no" on this resolution.

The PRESIDENT. There will be a roll call on this resolution, Senator.

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

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

YEAS—44

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

NAYS—4

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

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

UNFINISHED BUSINESS

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

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

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

May 29, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David E. Grine, Esquire, 141 Elm Street, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Forty-ninth Judicial District of Pennsylvania, composed of the County of Centre, to serve until the first Monday of January, 1982, vice The Honorable Richard Sharp, deceased.

DICK THORNBURGH.

NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, I request that the nomination be laid on the table.

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

SENATE RESOLUTION

**SPECIAL TASK FORCE REVIEW PENDING
PROPERTY TAX RELIEF LEGISLATION**

Senators GREENLEAF, FISHER, HAGER, JUBELIRER, STAUFFER, MOORE, EARLY, KUSSE, BELL, ZEMPRELLI, CORMAN, RHOADES, HELFRICK, ANDREZESKI, STAPLETON, MURRAY, MESSINGER, ROSS, LEWIS, STOUT, SINGEL, LYNCH, SCANLON, SMITH, MCKINNEY, HESS, PECORA, GEKAS, HOLL, O'CONNELL, LINCOLN, ROMANELLI, SNYDER, MANBECK, HOPPER, TILGHMAN, LOEPER, O'PAKE, KELLEY, LLOYD, BODACK, MELLOW, REIBMAN, HOWARD, HANKINS, STREET, SHAFFER, WILT and PRICE offered the following resolution (**Serial No. 50**), which was read, considered and adopted:

In the Senate, June 30, 1981.

RESOLVED, That the President pro tempore appoint a task force of seven members of the Senate, four from the Majority Party and 3 from the Minority Party to review pending property tax relief legislation and to make a report to the Senate of its recommendations; and be it further

RESOLVED, That the Chairman of the task force may invite such members of the House of Representatives as he may deem appropriate to participate in the deliberations of the task force; and be it further

RESOLVED, That the Chairman of the task force may invite the Governor to send appropriate representatives of the Executive Branch to participate in the deliberations of the task force; and be it further

RESOLVED, That the committee may hold hearings, take testimony, and make its investigations at such places as it deems necessary within this Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects

or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be if further

RESOLVED, That the report of the task force be submitted to the Senate no later than September 30, 1981.

SENATE CONCURRENT RESOLUTION

MEMORIALIZING CONGRESS APPROPRIATE \$30,000,000 FROM ABANDONED MINE RECLAMATION FUND TO SOIL CONSERVATION DISTRICTS

Senators CORMAN, HELFRICK, O'CONNELL, SINGEL, WILT, RHOADES, STOUT, BODACK, SHAFFER, PECORA, HAGER, STAPLETON, MELLOW, LINCOLN, KELLEY, HESS, MOORE, and KUSSE offered the following resolution (**Serial No. 219**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, June 30, 1981.

WHEREAS, Public Law 95-87, section 402(a) of the Federal Surface Mine Control and Reclamation Act of 1977, authorized reclamation fees to be collected for the Abandoned Mine Reclamation Fund; and

WHEREAS, Funds are appropriated by the Congress of the United States from the Abandoned Mine Reclamation Funds; and

WHEREAS, Section 401 of Public Law 95-87 authorized the United States Secretary of the Interior to transfer up to 20% of the money deposited in the Abandoned Mine Reclamation Fund to the Secretary of Agriculture for carrying out RAMP; and

WHEREAS, The amounts of fees generated in the Abandoned Mine Funds were in 1978 - \$125,000,000; 1979 - \$190,000,000; 1980 - \$200,000,000; 1981 - estimated \$210,000,000 and 1982 - estimated \$220,000,000; and

WHEREAS, Only \$10,100,000 were transferred to the Secretary of Agriculture for fiscal year 1979 and fiscal year 1980; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly memorializes the Congress of the United States to appropriate \$30,000,000 to Soil Conservation Districts from Abandoned Mine Reclamation Funds; and be it further

RESOLVED, That copies of this resolution be sent to the presiding officers of the House of Representatives and Senate of the Congress of the United States and to each Senator and Congressman from Pennsylvania.

GENERAL COMMUNICATIONS

DISCHARGE PETITIONS

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

In the Senate, June 30, 1981.

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

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Charles B. Smith,
Esq.

Judge, Court of
Common Pleas,
Chester County

Edward P. Zemprelli
Eugene F. Scanlon
James E. Ross
Robert J. Mellow
Francis J. Lynch

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

In the Senate, June 30, 1981.

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Frank T. Hazel,
Esq.

Judge, Court of
Common Pleas,
Delaware County

Edward P. Zemprelli
Eugene F. Scanlon
James E. Ross
Robert J. Mellow
Francis J. Lynch

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

In the Senate, June 30, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania

which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Charles C. Keeler, Esq.	Judge, Court of Common Pleas, Delaware County
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, June 30, 1981.

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Warren R. Keck, III, Esq.	Judge, Court of Common Pleas, Mercer County
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, June 30, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Robert W. Garland, Esq.	Judge, Court of Common Pleas, Westmoreland County
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, June 30, 1981.

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Edgar P. Herrington, Jr., Esq.	Judge, Court of Common Pleas, Westmoreland County
	Edward P. Zemprelli
	Eugene F. Scanlon
	James E. Ross
	Robert J. Mellow
	Francis J. Lynch

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

In the Senate, June 30, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the

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

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

1. The nomination was presented to the Senate on April 28, 1981; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

John F. Rauhauser, Jr., Esq.	Judge, Court of Common Pleas, York County
	Edward P. Zemprelli Eugene F. Scanlon James E. Ross Robert J. Mellow Francis J. Lynch

The PRESIDENT. The nominations will be laid on the table and noted on the Executive Calendar.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to The Reverend Norman Hannahs by Senator Bodack.

Congratulations of the Senate were extended to the Dauphin Distribution Services Company by Senator Hopper.

Congratulations of the Senate were extended to Walter Jahn and to Dr. Frederick J. Zorn by Senator Lloyd.

Congratulations of the Senate were extended to the Scranton Electronic Installations Center of the Metropolitan Life Insurance Company by Senator Mellow.

Congratulations of the Senate were extended to Mrs. Minnie E. Shutt by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Jacob Spaargaren by Senator O'Connell.

Congratulations of the Senate were extended to the Boyertown Bears High School Baseball Team and to the Tulpehocken High School Girls' Softball team by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 514, 535, 585, 637, 700, HB 127, 428, 1065, 1202 and 1210.

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

PETITIONS AND REMONSTRANCES

Senator HESS. Mr. President, I rise at this time to focus attention upon the Metropolitan Edison Company's recent request for an increase in its rates. They claim in their public advertisement that justification for this rate filing is threefold. First, they need dollars to provide for continuing reliable service. Second, they wish ratepayer financing of the decontamination of TMI-2. Thirdly, the Company believes it needs additional dollars to restore its overall financial health and allow it access to capital markets in order to generate funds to build and maintain facilities.

The majority of the constituents in the Twenty-eighth District are consumers of Met-Ed. These consumers have no other choice than to purchase power from Met-Ed. In this rate filing Met-Ed is basically asking the PUC to reverse itself and return the capital costs of TMI to the rate base. I believe this request is unconscionable. Met-Ed customers are already paying a premium for electricity since they must pay for purchased power; that increased cost is reflected in the fuel adjustment clause.

Should the NRC approve the start-up of TMI-1, then and only then should the PUC allow the capital costs of this unit to be included in the rate base as the cost of additional power decreases.

When Met-Ed indicated it needed ratepayer financing for the decontamination of TMI-2, I am forced to sympathize with their frustration in the lack of support from the Federal government, but at the same time must emphatically state the financial burden of the cleanup from the March 28, 1979 accident is not the responsibility of the captive consumer but rather is the responsibility of the Federal Government for its past history of extreme involvement, support and control of commercial nuclear power. It amazes me that when a problem occurs, they turn their back.

An additional partner in the cleanup operation should be the nuclear power industry as a whole. Increased knowledge has accrued since that fateful day; those benefits are shared and so should the financial risks.

The Met-Ed customer in the Twenty-eighth District currently pays twenty-three per cent more than their neighbors supplied by PP&L. This proposed rate filing would, by Met-Ed's own advertising, increase the the consumer's bill by twenty-two per cent. Under this proposal the Met-Ed customer will suffer bankruptcy long before the Company.

The level heads of the PUC Commissioners prevailed in 1980 when they denied a similar rate filing. I sincerely hope the same level heads will again prevail.

BILL SIGNED

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

SB 425.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JULY 1, 1981

9:30 A.M.	Conference Committee on Senate Bill No. 356	Room 460, 4th Floor Conference Rm., North Wing
10:00 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 86)	Room 460, 4th Floor Conference Rm., North Wing

THURSDAY, JULY 9, 1981

10:00 A. M.	LEGISLATIVE REAPPOR- TIONMENT COMMISSION (Public Hearing)	Senate Majority Caucus Room
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FRIDAY, JULY 10, 1981

10:00 A.M.	LEGISLATIVE REAPPOR- TIONMENT COMMISSION (Public Hearing)	Senate Majority Caucus Room
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ADJOURNMENT

Senator JUBELIRER. Mr. President, at this time I move that the Senate adjourn until Wednesday, July 1, 1981, at 11:00 a.m., Eastern Daylight Time, with the caveat, Mr. President, it is our intention to open the desk at 11:00 a.m., with the opening procedures. We hope the Republican Members of caucus will come to caucus at 12:15 p.m., and we hope to be on the floor at 1:00 p.m., and finish up our business for the Session until the fall at that time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.