

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, SEPTEMBER 22, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 52

SENATE

TUESDAY, September 22, 1981.

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Rabbi ASHER OSTRIN, of the Chisuk Emuna Congregation, Harrisburg, offered the following prayer:

O heavenly Father, You have placed us in an ever-changing world. Yesterday's dream is today's reality in every sphere of our lives. We stand before You today, a clergyman and State Legislators, and acknowledge the heritage and ideals of our great Nation that we share in common. Each of us has a vision of a better future and recognizes such a dream must be anchored in the wisdom of our traditions. None of us operates without a history. We each contribute in our own way to the myriad changes in the world, both evolutionary and revolutionary.

Help us to realize that we must be guided by our understanding of what was and what is in order to channel the energies that concretize and help realize our hopes for what can be.

Grant us, dear God, the wisdom to forge a path that begins in our collective past and leads toward a better and brighter future for our Commonwealth and our country. Amen.

The PRESIDENT. The Chair thanks Rabbi Ostrin who is the guest this week of Senator Gekas.

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 SCANLON TO VOTE FOR SENATOR STOUT AND SENATOR LEWIS

Senator SCANLON. Mr. President, I request a temporary legislative leave for Senator Stout and a legislative leave for the entire day for Senator Lewis.

The PRESIDENT. There is also a medical leave of absence in effect for Senator Ross. Are there any objections to those leaves? The Chair hears no objection and the leaves are granted.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

September 22, 1981

Senators STAUFFER, EARLY, HOWARD, ROSS, JUBELIRER, MELLOW, FISHER, LOEPER, SINGEL, KUSSE, GREENLEAF, RHOADES, MURRAY, MESSINGER, SHAFFER, ANDREZESKI, SCANLON, ZEMPRELLI, O'PAKE, STAPLETON, LINCOLN, MOORE, HELFRICK, CORMAN, KELLEY and PRICE presented to the Chair SB 1085, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," implementing school tax reform by withdrawing the authority of school districts to levy taxes on real property and repealing the authority to levy earned income, occupation and occupational privilege taxes; authorizing certain taxes to be levied in lieu thereof; providing a method for opting out of this tax reform program; and making certain other repeals.

Which was committed to the Committee on FINANCE, September 22, 1981.

Senators STAUFFER, EARLY, HOWARD, ROSS, JUBELIRER, MELLOW, FISHER, LOEPER, SINGEL, KUSSE, GREENLEAF, RHOADES, MURRAY, MESSINGER, SHAFFER, ANDREZESKI, SCANLON, ZEMPRELLI, O'PAKE, STAPLETON, LINCOLN, MOORE, HELFRICK, CORMAN, KELLEY and PRICE presented to the Chair SB 1086, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," redefining "local taxing authority" and "realty tax equivalent" to retain present method of distribution of the public utility realty tax.

Which was committed to the Committee on FINANCE, September 22, 1981.

CALENDAR

BILL ON CONCURRENCE IN
HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 618 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

HB 1379 (Pr. No. 1554) — On the question,
Shall the bill pass finally?

MOTION FOR BILL OVER IN ORDER

Senator KELLEY. Mr. President, I would ask the Chair to reverse itself. I would like to move that House Bill No. 1379 go over in its over.

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

Senator SCANLON. Mr. President, may we be at ease?

The PRESIDENT. The Senate will be at ease. It has been moved by Senator Kelley that House Bill No. 1379 go over in its over. The Senate is at ease.

(The Senate was at ease.)

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

MOTION WITHDRAWN

Senator KELLEY. Mr. President, I withdraw my motion.

And the question recurring,
Shall the bill pass finally?

Senator SCANLON. Mr. President, I am asking for a negative vote on House Bill No. 1379. It was voted on once before in the Senate and the gentleman from Allegheny, Senator Zemprelli, made a statement on the bill and the merits of the bill, the contents of which statement escape me at this moment, but I am reaffirming the request that a negative vote be cast by all of the Members of our caucus on House Bill No. 1379.

Senator MOORE. Mr. President, House Bill No. 1379 is a bill which provides for the return of lands which were condemned by the Commonwealth and which are no longer needed by the Commonwealth at a value which was set at condemnation plus interest. In view of the fact the Commonwealth no longer needs this land and the fact all monies received by the Department of Environmental Resources from the sale of the land will be transferred to Project 70, I would ask my colleagues to support House Bill No. 1379.

And the question recurring,
Shall the bill pass finally?

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

Senator ROMANELLI. 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 taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—26

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

NAYS—19

Andrezeski	Kelley	McKinney	Singel
Bodack	Lewis	Mellow	Stapleton
Early	Lincoln	Messinger	Stout
Fumo	Lloyd	Romanelli	Zemprelli
Hankins	Lynch	Scanlon	

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

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

Not being present at the time of roll call, Senator REIBMAN announced her vote in the affirmative.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 22 (Pr. No. 2169) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

Not being present at the time of roll call, Senator REIBMAN announced her vote in the affirmative.

BILL OVER IN ORDER

SB 283 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 428 (Pr. No. 2170) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

Not being present at the time of roll call, Senator REIBMAN announced her vote in the affirmative.

BILL OVER IN ORDER

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

BILL OVER IN ORDER TEMPORARILY

SB 585 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 635 (Pr. No. 1274) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

Not being present at the time of roll call, Senator REIBMAN announced her vote in the affirmative.

SB 795 (Pr. No. 843) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

Senator FISHER. I will, Mr. President.

Senator KELLEY. Mr. President, Senate Bill No. 795 is presently before the Senate for consideration for final passage. Can the gentleman tell us whether this bill in its context represents a continued perpetuation of discretion within the Commission on Crime and Delinquency to allocate certain Federal monies as that commission so allocates and decides?

Senator FISHER. Mr. President, the bill which is before us basically extends the life of the present Pennsylvania Commission on Crime and Delinquency. In so doing that, it continues to vest in that commission the right to distribute Federal funds which are directed to it under the Law Enforcement Assistance Administration. As such, that discretion would continue to be vested in them past December 31, 1981 to appropriate or to actually approve applications that come before the commission for those funds.

The answer to the gentleman's question, Mr. President, is yes.

Senator KELLEY. Mr. President, could the gentleman tell us in the last fiscal year how much dollar value and monies were allocated by this commission?

Senator FISHER. I do not have all those statistics in front of me, Mr. President. I am a Member of the commission and I have the statistics downstairs. I could give the gentleman a rough estimate of the amount of money that has been distributed under new applications and continuation applications, it exceeds \$5 million.

Senator KELLEY. Mr. President, this money is allocated independently of any appropriations by the General Assembly, is that correct?

Senator FISHER. Mr. President, the money itself which is given to various applicants throughout the Commonwealth is allocated without any appropriation by the General Assembly.

Senator KELLEY. Mr. President, I would like to urge my colleagues to vote in the negative on Senate Bill No. 795. It is a matter of not perpetuating an independent commission that would have allocation of monies. I think the utmost responsibility the General Assembly has or any Legislative Body has is the fiscal responsibility and accountability that we have for the raising of taxes and necessarily goes with it the expenditure of those funds in the annual budget.

Mr. President, I believe no matter what the dollar amounts are, we are all, I am sure, familiar with it. It has amounted to millions and millions of dollars over the years. Predating this commission was the Governor's Justice Commission doing the same function. I believe it is incumbent upon us to make sure, and the general trend now if we look at the proposals in Washington and the block grant approaches that the Federal Administration now has for the sister States is that the monies will come into the States and the total monies can be allocated by the representatives in a manner in which they can treat in their determined priorities the problems of that particular State. I believe, therefore, it is wrong for us to perpetuate an independent commission allocating monies, no matter how many there are.

Mr. President, I, therefore, would urge my colleagues that we vote in the negative to show we are ready to embrace totally the responsibility vested in us by our Constitution.

Senator FISHER. Mr. President, I would urge my colleagues to approve Senate Bill No. 795. What this bill does is really remove the Sunset provision that was placed in this law in 1979 that would expire at the end of this year and continue the commission for a period of four more years. I think in relation to what the gentleman from Westmoreland, Senator Kelley, has said as to whether or not this commission should continue to have the right to approve grant applications for the funding of criminal justice projects throughout the Commonwealth, the commission over the years, I think, has done an admirable job. It has done a very excellent job during the last four years since the commission was restructured from the former Governor's Justice Commission. Even more important, Mr. President, the amount of money which has gone through the commission on an annual basis because of cutbacks and Federal funds has decreased. There still remains the sum of approximately \$3 million to be approved for new applications or to be used for continuation applications of many projects that are located in all of our Senatorial districts. There will not be the amount of funds available to that commission for approval of grant applications that there has been in the past because of the sharp cutback in LEAA funds. There is a hope that LEAA may be continued with additional Federal funding but, of course, the level of that future funding is subject to conjecture. Nevertheless, even with the limited Federal funds that are available, I think the commission has served a very valuable purpose to the Criminal Justice System and I firmly believe as a Member of that

commission and as a Member of this Senate, we would be able to help the Criminal Justice System in a large way by continuing the existence of this commission for the next four years.

Mr. President, I would urge an affirmative vote.

SENATOR JUBELIRER TO VOTE FOR SENATOR HAGER

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Hager who was called to his office on legislative business.

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

And the question recurring,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—1

Kelley

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

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

BILL OVER IN ORDER

SB 829 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

SB 838 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 359 and 600 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 929 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

SB 82, 86, HB 357, SB 385, HB 395, SB 535, 622, HB 671, SB 674, 700 and 739 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 838 (Pr. No. 2125), SB 915 (Pr. No. 1011), SB 918 (Pr. No. 1247) and SB 965 (Pr. No. 1122) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1006 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 1034 (Pr. No. 1136), HB 1169 (Pr. No. 1298) and HB 1266 (Pr. No. 1993) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1645 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE RESOLUTION, SERIAL NO. 46, CALLED UP

Senator JUBELIRER, without objection, called up from page 7 of the Calendar, Senate Resolution, Serial No. 46, entitled:

Memorializing Governor declare week of October 18 to 24 as "Anti-Shoplifting Week."

On the question, Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 46, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 46.

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

Senator ZEMPRELLI. Mr. President, I would wish to be recorded as voting "no" on Senate Resolution, Serial No. 46. This is not to suggest I favor shoplifting, Mr. President, but, rather, I think we have reached a point of being absolutely ridiculous in some of these declarations of the weeks. What is to prohibit anybody coming in here with any frivolous request about anything and we declare a week in memory of it. I want the record to so show.

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—46

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

Hankins Lynch Rhoades Wilt
Helfrick McKinney

NAYS—1

Zemprelli

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

ANNOUNCEMENT BY MAJORITY LEADER

Senator JUBELIRER. Mr. President, we are still waiting for amendments and bills from the Legislative Reference Bureau and until they come, may we temporarily go over the Calendar and I request you recognize, the gentleman from Delaware, Senator Loeper, for the purposes of executive nominations.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES OF CRESSON CENTER

August 10, 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 D. Cooney, R. D. 5, Box 163, Altoona 16601, Blair County, Thirtieth 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 Robert Munn, Jr., Altoona, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF CRESSON CENTER

August 10, 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 George J. Soyster, 701 East Twenty-fifth Avenue, Altoona 16601, Blair County, Thirtieth 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 John Valko, South Fork, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
EXAMINERS OF NURSING
HOME ADMINISTRATORS

June 8, 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 B. McIlwaine (Public Member), 53 Brenner Street, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until April 18, 1984, and until his successor is appointed and qualified, vice Robert J. Murphy, Haverford, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE REAL
ESTATE COMMISSION

August 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 Daniel K. Lamb (Real Estate Broker), 4315 Frank Street, Whitehall Borough, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Real Estate Commission, to serve until September 21, 1985, or until his successor has been appointed and qualified, but not longer than six months beyond that period, vice P. John Donnelly, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

August 10, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John L. Mong, 315 East Street, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice John P. Fanaritis, Warren, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF WEST CHESTER STATE COLLEGE

August 7, 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 Sharon K. Pancio, 707 Sunnyside Avenue, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for appointment as a student member of the Board of Trustees of West Chester State College, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Jorge A. Leon, West Chester, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
WOODVILLE STATE HOSPITAL

June 18, 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 H. Poellott, 130 Greenwood Place, Bridgeville 15017, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

July 15, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Franklin A. John (Republican), 60 Mont View Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for reappointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE MONROE COUNTY
BOARD OF ASSISTANCE

August 10, 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 Judith Ann Bendixen (Republican), Star Route Box 5C, Pocono Summit 18346, Monroe County, Twentieth Senatorial District, for appointment as a member of the Monroe County Board of Assistance, to serve until December 31, 1982, and until her successor is appointed and qualified, vice Carol Gitler, Kunkletown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE MONROE COUNTY
BOARD OF ASSISTANCE

August 10, 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 Garet O. Penhale (Republican), Box 417, Marshalls Creek 18335, Monroe County, Twenty-ninth Senatorial District, for appointment as a member of the Monroe County Board of Assistance, to serve until December 31, 1982, and until his successor is appointed and qualified, vice William J. Reaser, Jr., Stroudsburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE MONROE COUNTY
BOARD OF ASSISTANCE

August 10, 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 Rudolph F. Szollar (Republican), R. D. 6, Box 328, East Stroudsburg 18301, Monroe County, Twenty-ninth Senatorial District, for appointment as a member of the Monroe County Board of Assistance, to serve until December 31, 1981, and until his successor is appointed and qualified, vice William A. Hillman, Stroudsburg, whose term expired.

DICK THORNBURGH.

DISTRICT JUSTICE

June 19, 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 Susann E. Welsh, R. D. 4, Box 336, Reservoir Road, Honey Brook 19344, Chester County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Class 3, District 06, pursuant to Supreme Court Order Number 15 approved October 22, 1980, to serve until the first Monday of January, 1982.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

RECESS

Senator ZEMPRELLI. Mr. President, the gentleman from Delaware, Senator Loeper, has presented certain names for proposed consent by the Senate with respect to executive nominations. The Democratic caucus has not caucused on these matters. I am asking for an immediate meeting of the Democratic caucus in the Democratic caucus room to the rear of the Chamber. I would ask all Members, subject to the consent of the Chair, to come to the caucus room immediately. It will be a very short caucus to review those names that have been submitted now.

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

AFTER RECESS

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

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

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—47

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

NAYS—0

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

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SB 585 CALLED UP

SB 585 (Pr. No. 597) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 585 (Pr. No. 597) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 4, by inserting after "taxes": or fees
Amend Sec. 1 (Sec. 410), page 2, line 5, by removing the period after "condemnor" and inserting: and the condemnor may not condition the offer on the payment by the condemnee of additional fees, real estate taxes, payments in lieu of taxes or other costs.

Amend Sec. 1 (Sec. 410), page 2, lines 9 through 11, by striking out "If the condemnee accepts the offer no real" in line 9 and all of lines 10 and 11

Amend Sec. 1 (Sec. 410), page 1, by inserting between lines 11 and 12: * * *

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 HOLL.

SB 838 CALLED UP

SB 838 (Pr. No. 1275) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

SB 838 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

PERMISSION TO ADDRESS SENATE

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

Senator REIBMAN. Mr. President, I was off the floor when the roll calls were first taken, attending a meeting with the United Cerebral Palsy people from our areas. I would like to be recorded, if I were present, in the affirmative on House Bill No. 1379, House Bill No. 22, House Bill No. 428, Senate Bill No. 635 and I believe I have voted "aye" and am on the roll call for Senate Bill No. 795.

The PRESIDENT pro tempore. The lady's remarks will be spread upon the record.

ANNOUNCEMENT RE HB 456

Senator JUBELIRER. Mr. President, for the benefit of the Members and others who are interested in the auto emission override, or potential override, I would like to make a statement at this time regarding that particular situation.

Mr. President, as the Members know, the House has overridden the Governor's veto. We have it in our possession. It is our intent to run that override on Monday, October 5th when we return. The reason we are not running it now, we have had requests from several Members on both sides of the aisle to have an opportunity to review the Governor's veto message and want to deal with it at that time. I have acceded to that request and for the members of the media and others who have shown interest in that, that will be done on that date.

REPUBLICAN CAUCUS

Senator JUBELIRER. Mr. President, I would request Members of the Republican caucus to attend an extremely important caucus at 2:15 this afternoon in the Majority caucus room on the first floor at that time. We would ask all Members of the Republican caucus attend that very important caucus.

REPORTS FROM COMMITTEES

Senator SNYDER, from the Committee on Public Health and Welfare, reported, as committed, **HB 1217**.

Senator FISHER, from the Committee on Environmental Resources and Energy, reported, as committed, **SB 1073**.

RESOLUTION REPORTED FROM COMMITTEE

Senator FISHER, from the Committee on Environmental Resources and Energy, reported without amendment, Senate Concurrent Resolution, **Serial No. 219**, entitled:

Memorializing Congress appropriate \$30,000,000 from Abandoned Mine Reclamation Fund to Soil Conservation Districts.

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

MEETING OF THE COMMITTEE ON JUDICIARY

Senator GEKAS. Mr. President, I just wish to announce that the Committee on Judiciary of the Senate is now in Session and all Members of that committee are cordially invited to attend.

The PRESIDENT pro tempore. Will the gentleman state where the committee meeting is being held?

Senator GEKAS. Mr. President, on the fourth floor in the usual committee setting set aside for the Committee on Judiciary, Room 461.

The PRESIDENT pro tempore. Upon the adjournment of today's Session, all Members of the Committee on Judiciary are requested to go immediately to the fourth floor meeting room for a meeting so Senator Gekas will not be lonely.

CONSIDERATION OF CALENDAR RESUMED

RECONSIDERATION OF HB 1379

HB 1379 (Pr. No. 1554) — Senator ZEMPRELLI. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1379, Printer's No. 1554, just passed finally, and ask that the bill go over in its order.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The desk is informed that House Bill No. 1379, Printer's No. 1554, has already been transmitted to the House of Representatives.

Senator ZEMPRELLI. Mr. President, for purposes of an inquiry as to parliamentary procedure, as I understand it there is a procedure for recalling a bill that has gone from one house to the other, specifically from the Senate to the House. I am asking the Chair to advise the Members of the Senate as to what that procedure is.

The PRESIDENT pro tempore. Would the gentleman restate his inquiry? I was unable to hear it.

Senator ZEMPRELLI. Yes, Mr. President. Is there a procedure for recalling a Senate bill once passed to the House that has been transmitted before it has been acted upon by the House?

The PRESIDENT pro tempore. In response to the question by the gentleman from Allegheny, Senator Zemprelli, under Rule XIII, paragraph 12 on reconsideration, page 9 of the Senate Rules, the second to the last paragraph, reads as follows: "When a bill, resolution, report, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, or to the Governor, the motion to reconsider shall not be in order until a resolution has been passed to request the House or Governor to return the same and the same shall have been returned to the possession of the Senate."

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room at the rear of the Senate Chamber. We will hold the desk open for any communications from the House and then adjourn. There will be no more votes Mr. President, for the benefit of the Members.

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

AFTER RECESS

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

UNFINISHED BUSINESS

SENATE CONCURRENT RESOLUTION

MEMORIALIZING GOVERNOR PROCLAIM THE DAY BEFORE THANKSGIVING AS "DISABLED PERSONS DAY"

Senators BODACK, ZEMPRELLI, FUMO, ROMANELLI, ANDREZESKI, SCANLON, STOUT, KELLEY, BELL, PECORA, MESSINGER, HAGER, LINCOLN, LLOYD, LYNCH, SINGEL, McKINNEY, STAPLETON, HANKINS, MURRAY, O'PAKE, HOPPER, MELLOW, REIBMAN, EARLY, FISHER, WILT, O'CONNELL, GEKAS, HOLL, SNYDER, HESS, HELFRICK, RHOADES, CORMAN, MANBECK, PRICE, LOEPER, JUBELIRER, MOORE, STAUFFER and TILGHMAN offered the following resolution (Serial No. 223), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, September 22, 1981.

WHEREAS, The United Nations designated 1981 as the International Year of Disabled Persons; and

WHEREAS, This special year provides an opportunity for citizens to demonstrate concern for increasing opportunities for disabled persons; and

WHEREAS, More recognition by Americans in all sectors of society that disabled people be brought more into the mainstream of life is needed; and

WHEREAS, The day before Thanksgiving is an especially appropriate time to remember the 35,000,000 Americans who have significant physical or mental disabilities; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania recognize November 25, 1981, and each day before Thanksgiving as "Disabled Persons Day"; and be it further

RESOLVED, That the General Assembly memorialize the Governor of Pennsylvania to proclaim each day before Thanksgiving as "Disabled Persons Day"; and be it further

RESOLVED, That a copy of this resolution be transmitted to Governor Dick Thornburgh; and be it further

RESOLVED, That a copy of this resolution be forwarded to the Honorable Leonard C. Staisey, Chairman, Allegheny County Council of the International Year of Disabled Persons.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Justin G. Neidigh and to Calvin Dunmire by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

Senator SINGEL. 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 1073 and HB 1217.

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

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 of the Commonwealth, which was read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

June 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 The Honorable Clifford L. Jones, 2100 Milltown Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1991, vice James H. Cawley, Esquire, Camp Hill, resigned.

DICK THORNBURGH.

NOMINATION LAID ON THE TABLE

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

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

PETITIONS AND REMONSTRANCES

Senator O'PAKE. Mr. President, last week the Governor announced a get-tough-on-criminals legislative package. I welcome the Governor's endorsement of mandatory jail sentencing legislation which I first proposed in the Senate over three years ago. This new bill will include my original plan to put violent, repeat criminals behind bars for at least five years.

At the same time I believe the Governor's proposal amounts to only half a loaf when it comes to dealing with the increasingly severe problem of prison overcrowding. Once again the Thornburgh Administration is trying to solve a difficult and costly dilemma by passing it on to the county governments and local taxpayers. Mr. President, this proposal is reminiscent of the recent budget battle when the Governor tried unsuccessfully to deny reimbursement to counties for the costs of running their criminal court systems. Fortunately, we in the General Assembly chose not to abandon our sixty-seven counties, recognizing that crime is not just a local problem and we do have a statewide unified judicial system in Pennsylvania.

Similarly we cannot continue to ignore the tremendous burdens that have been imposed on our county jails. Pennsylvania's county jail population now exceeds the total State prison population for the first time in our history—9,100 plus in our county jails and 8,900 plus in our State correctional facilities. While the State prisons only recently started doubling up inmates, some of our county facilities have been housing four and five in a single cell. While the State prison population has increased ten per cent in the past year, the county jail total is up over twenty-one per cent in less than nine months. Allegheny County presently has fifty inmates sleeping in the jail's gymnasium. Philadelphia, despite a court order to reduce population, is still more than 1,000 inmates over its capacity.

The problem is not limited to the two major cities. For example, Lancaster County just completed major renovations in its jail facility. Despite their efforts to reduce overcrowding, there are now 301 prisoners being detained in the Lancaster County jail which has 233 beds. Inmates are still being assigned to hospital beds when they are not sick. The problem is also here in Dauphin County where there are 342 inmates in a facility with the maximum capacity of 301.

Mr. President, this is a crisis situation that will only be aggravated by a new get tough policy that includes no money for county jail expansion. With mandatory jail sentencing in place criminal defendants will naturally attempt to plea bargain to a lesser charge, one that carries only a county jail term of less than two years. That is certainly better than the current situation which allows many of these violent offenders to escape with only a sentence of probation.

Even so, the strain on our county jail system will soon reach crisis proportions when criminals start demanding more and more jury trials hoping for acquittal and knowing they will serve long terms if convicted. Many of those defendants will spend the additional time waiting in county jails, waiting for jury trial and ultimately for sentencing.

Our jails simply cannot stand a major influx of new inmates. The Thornburgh Administration cannot continue to dictate broad policy goals without regard to their devastating impact on the local municipalities, both in terms of increased local taxes and increased danger to the safety of our law-abiding citizens.

Mr. President, yet it seems that is exactly what we are to expect from this Governor. I have asked the Governor to support Senate Bill No. 938, which I introduced back in June to provide \$50 million for the expansion and renovation of county jails. Even though that measure calls for the sale of bonds and would not involve any new taxes, the Governor refuses to make any commitment to this or any other plan to help the local taxpayers pay for the higher cost of tougher sentences. Since Senate Bill No. 938 has not been considered, I will try to amend that into the Governor's crime package whenever that is considered by the Senate.

Senator SINGEL. Mr. President, recently I became aware of a situation involving bid and contract procedures by the Pennsylvania Department of Transportation that merits the attention of the Senate and all of our constituents. In July of this year, PennDOT opened bids for the manufacture of 130 diesel dump trucks. This was Department of Transportation Bid No. 761601. It is my understanding six bids were received by PennDOT, the three lowest being Liberty Ford Truck Sales, Incorporated, \$5,733,650; Keystone Ford Truck Sales, Incorporated, \$5,831,930; and International Harvester Company, \$6,189,650.

Liberty Ford Truck Sales of Philadelphia submitted the lowest bid but for some inexplicable reason, PennDOT has decided to award the contract to International Harvester Company. This decision will result in the State spending an unnecessary \$455,910. I am especially concerned since Liberty Ford is a Pennsylvania firm that deals completely with Pennsylvania subcontractors. Liberty's engines, for example, would be provided by Caterpillar Tractor, a major employer in Central Pennsylvania. Of critical importance to me, Liberty also would contract with Thiele, Incorporated of Windber, Pennsylvania, which employs many people in my Senatorial district.

PennDOT's reticence to award the contract to the lowest bidder not only has the effect of wasting nearly half a million dollars of taxpayers' money but also adversely affects economic recovery efforts in several sections of our State.

Mr. President, I have called upon the Governor to make a thorough investigation of the entire bid procedure in this case. While I have not received any response from either the Governor's Office or from Secretary Larson's Office, just this morning I was advised by State Treasurer Budd Dwyer that he would authorize no payment under this contract until a full investigation has been completed. I want to take this opportu-

nity to commend our Treasurer and thank him for his concern with ferreting out wasteful government spending. It is ironic that while the Governor is calling for massive cuts in State spending, bidding practices and specification writing procedures such as those involved in this case seems to be filled with waste. I want to assure this Body I will continue to monitor the situation to make sure Pennsylvania businesses and taxpayers are treated fairly.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, SEPTEMBER 24, 1981

9:00 A.M. LEGISLATIVE REAPPOR- Senate Majority
TIONMENT COMMISSION Caucus Room
(Public Hearing)

WEDNESDAY, SEPTEMBER 30, 1981

9:00 A.M. JUDICIARY Subcommittee Conference Rm.
(Public Hearing to hear #1, Allegheny
statements on Senate Bill County Court
No. 171) House, Grant St.,
Pittsburgh, PA.

THURSDAY, OCTOBER 1, 1981

10:00 A.M. Special Senate Committee on State Office
to Senate Resolution No. 13 Building, 1400
3:00 P.M. (Public Hearing) West Spring
Garden Street,
Philadelphia, PA.

TUESDAY, OCTOBER 6, 1981

11:00 A.M. BANKING AND INSURANCE Room 460,
(agenda to be announced 4th Floor
at a later date) Conference Rm.,
North Wing

BILLS SIGNED

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

HB 1065 and 1379.

REPUBLICAN CAUCUS

Senator JUBELIRER. Mr. President, I would once again remind the Members of the Republican caucus of an extremely important caucus at 2:15 this afternoon in the Majority caucus room on the first floor and request they be present.

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Monday, October 5, 1981, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:31 a.m., Eastern Daylight Saving Time.