

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MARCH 3, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 21

SENATE

WEDNESDAY, March 3, 1982.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend Father F. CHARLES McKENNA, Pastor of St. Joseph's Church, Reading, offered the following prayer:

Let us pray:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth and the author of our inalienable rights to life, liberty and the pursuit of happiness.

We beseech You so to guide and bless our Senators of this great Commonwealth that they may enact such laws as shall please You for the glory of Your name and the welfare of our wonderful people.

We ask You this in Your holy name. Amen.

The PRESIDENT pro tempore. The Chair thanks the Reverend Father McKenna, who is the guest this week of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT pro tempore. 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 RHOADES AND SENATOR
CORMAN**

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Rhoades who is attending with State officials a matter concerning health and environmental concern relating to his district, and a temporary legislative leave of absence until Noon today for Senator Corman who is meeting with officials with regard to the block grant programs.

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

**SENATOR MESSINGER TO VOTE
FOR SENATOR ZEMPRELLI AND
SENATOR SCANLON**

Senator MESSINGER. Mr. President, I request a temporary legislative leave of absence for Senator Zemprelli and Senator Scanlon who are on legislative business at the present time.

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

LEAVE OF ABSENCE

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1437**.

**CHANGE IN COMMITTEE OF CONFERENCE
ON SB 1102**

The PRESIDENT pro tempore. The Chair wishes to announce that upon the resignation of Senator J. William Lincoln from the Committee of Conference on Senate Bill No. 1102, the President pro tempore has appointed Senator James R. Lloyd, Jr. in his stead.

BILLS SIGNED

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

HB 1437 and 1476.

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Local Government, reported, as committed, **SB 1302, HB 1196, 1200, 1788 and 1972**; as amended, **SB 844, 1046, 1299 and HB 223.**

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator GREENLEAF submitted the Report of Committee of Conference on **SB 227**, which was placed on the Calendar.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE BOARD OF PARDONS

February 19, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas G. Frame (Penalogist), R. D. 4, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE LUZERNE COUNTY
BOARD OF ASSISTANCE**

January 29, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Maria M. Capolarella (Democrat), 176 Johnson Street, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

CALENDAR

SPECIAL ORDER OF BUSINESS

HB 1153 CALLED UP OUT OF ORDER

HB 1153 (Pr. No. 1278) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1153 (Pr. No. 1278) — 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—45

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

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

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 11:50 a.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 11:50 a.m., Eastern Standard Time.

AFTER RECESS

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

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator HOPPER submitted the Report of Committee of Conference on **SB 1102**, which was placed on the Calendar.

**SENATOR MOORE TO VOTE FOR
SENATOR JUBELIRER**

Senator MOORE. Mr. President, before we proceed with the Calendar, may I request a legislative leave of absence for Senator Jubelirer.

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

LEGISLATIVE LEAVE WITHDRAWN

Senator MOORE. Mr. President, I would like to cancel the legislative leave for Senator Corman.

The PRESIDENT pro tempore. The Chair notes that Senator Corman has returned.

CONSIDERATION OF CALENDAR RESUMED

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE RECEDES FROM ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 874

HB 874 (Pr. No. 2776) — Senator STAUFFER. Mr. President, I move that the Senate do recede from its amendments nonconcurring in by the House to House Bill No. 874.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

Andrezeski	Hess	Manbeck	Ross
Bell	Holl	Mellow	Scanlon
Bodack	Hopper	Messinger	Shaffer
Corman	Howard	Moore	Singel
Early	Jubelirer	Murray	Snyder
Fisher	Kelley	O'Connell	Stampone
Fumo	Kusse	O'Pake	Stapleton
Gekas	Lewis	Pecora	Stauffer
Greenleaf	Lincoln	Price	Stout
Hager	Lloyd	Reibman	Wilt
Hankins	Loeper	Rhoades	Zemprelli
Helfrick	Lynch	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 918 (Pr. No. 1708) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 918.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

Andrezeski	Hess	Manbeck	Ross
Bell	Holl	Mellow	Scanlon
Bodack	Hopper	Messinger	Shaffer
Corman	Howard	Moore	Singel
Early	Jubelirer	Murray	Snyder
Fisher	Kelley	O'Connell	Stampone
Fumo	Kusse	O'Pake	Stapleton

Gekas	Lewis	Pecora	Stauffer
Greenleaf	Lincoln	Price	Stout
Hager	Lloyd	Reibman	Wilt
Hankins	Loeper	Rhoades	Zemprelli
Helfrick	Lynch	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 House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1015 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 754 (Pr. No. 1680) — 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—29

Andrezeski	Helfrick	Lloyd	Price
Bell	Hess	Loeper	Reibman
Corman	Holl	Manbeck	Rhoades
Early	Hopper	Moore	Shaffer
Fisher	Howard	O'Connell	Snyder
Gekas	Jubelirer	O'Pake	Stauffer
Greenleaf	Kusse	Pecora	Wilt
Hager			

NAYS—18

Bodack	Lincoln	Romanelli	Stampone
Fumo	Lynch	Ross	Stapleton
Hankins	Mellow	Scanlon	Stout
Kelley	Messinger	Singel	Zemprelli
Lewis	Murray		

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

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

SB 755 (Pr. No. 1727) — 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—29

Andrezeski	Helfrick	Lloyd	Price
Bell	Hess	Loeper	Reibman
Corman	Holl	Manbeck	Rhoades
Early	Hopper	Moore	Shaffer
Fisher	Howard	O'Connell	Snyder
Gekas	Jubelirer	O'Pake	Stauffer
Greenleaf	Kusse	Pecora	Wilt
Hager			

NAYS—18

Bodack	Lincoln	Romanelli	Stampone
Fumo	Lynch	Ross	Stapleton
Hankins	Mellow	Scanlon	Stout
Kelley	Messinger	Singel	Zemprelli
Lewis	Murray		

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

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

SB 1099 (Pr. No. 1703) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—47

Andrezeski	Hess	Manbeck	Ross
Bell	Holl	Mellow	Scanlon
Bodack	Hopper	Messinger	Shaffer
Corman	Howard	Moore	Singel
Early	Jubelirer	Murray	Snyder
Fisher	Kelley	O'Connell	Stampone
Fumo	Kusse	O'Pake	Stapleton
Gekas	Lewis	Pecora	Stauffer
Greenleaf	Lincoln	Price	Stout
Hager	Lloyd	Reibman	Wilt
Hankins	Loeper	Rhoades	Zemprelli
Helfrick	Lynch	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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1118 and SB 1182 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1185 (Pr. No. 1424) — 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

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

NAYS—2

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

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

SB 1233 (Pr. No. 1512) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 1277 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1286 (Pr. No. 1593) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator SCANLON. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator HOLL.

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

Senator HOLL. I will, Mr. President. I have a very bad cold and I cannot speak very well, but I will try.

Senator SCANLON. Mr. President, does this bill in any respect differ from a bill which we defeated last year in this Senate concerning the leasing of land by a public authority to a private television company?

Senator HOLL. Yes, Mr. President.

Senator SCANLON. In what respect, Mr. President?

Senator HOLL. Mr. President, this bill was drafted by the GSA.

Senator SCANLON. But it is the same bill, Mr. President?

Senator HOLL. Mr. President, it accomplishes the same purpose but it does not transfer title to the Borough of Norristown. It transfers it to the Montgomery County Authority.

Senator SCANLON. Mr. President, is the difference between the bill the transfer of title rather than to the borough, to the municipal authority of the borough?

Senator HOLL. No, the municipal authority of the county, the redevelopment authority.

Senator SCANLON. Mr. President, is, in fact, title to the real estate being transferred to a public authority?

Senator HOLL. Yes, Mr. President.

Senator SCANLON. Mr. President, is, in fact, the public authority in turn going to lease the real estate to a private profit-making corporation?

Senator HOLL. Yes, Mr. President.

Senator SCANLON. Mr. President, is, in fact, that corporation going to use it for the purpose of a television antenna?

Senator HOLL. Mr. President, the answer is yes.

Senator SCANLON. Substantially, Mr. President, is this bill the same bill, therefore, that we voted down last year?

Senator HOLL. Mr. President, I did not realize that the gentleman from Allegheny, Senator Scanlon, would be interrogating me on this bill today.

Mr. President, may I move that the bill be put over so I will have an opportunity to discuss this with the gentleman from Allegheny, Senator Scanlon, and not take the time of the Senate. It is not really that important.

The PRESIDENT pro tempore. With the Senator's permission, we will treat it as a request that the bill go over and without objection, at Senator Holl's request, Senate Bill No. 1286 will go over in its order on final passage.

BILLS OVER IN ORDER

SB 1287 and 1292 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1300 (Pr. No. 1728) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILLS OVER IN ORDER

HB 1429, 1915, 1921 and 1922 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2074 (Pr. No. 2915) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR**BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

HB 242 and **1650** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS OVER IN ORDER

SB 104, 533, 557, HB 704, 752, 758, SB 793, 810, 1024, HB 1040, SB 1091, 1119 and **1120** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

LEGISLATIVE LEAVE REQUESTED

Senator EARLY. Mr. President, I have to go to a meeting on a report of a Committee of Conference. I would appreciate if my leadership would vote for me in my absence.

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

**SENATOR STAUFFER TO VOTE FOR
SENATOR CORMAN AND SENATOR FISHER**

Senator STAUFFER. Mr. President, Senator Corman and Senator Fisher are also Members of that Committee of Conference and, if necessary, we will be voting them on the same legislative leave.

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

SECOND CONSIDERATION CALENDAR RESUMED**BILL ON SECOND CONSIDERATION**

SB 1124 (Pr. No. 1695) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1159, 1234, 1279, 1281 and **1283** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL LAID ON THE TABLE

HB 1283 (Pr. No. 2863) — Upon motion of Senator STAUFFER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 1284, HB 1300, SB 1309 and **1315** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1323 (Pr. No. 1662) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1324, 1327, 1330, 1331, 1335, HB 1799, 1812 and **1813** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**SENATE RESOLUTION,
SERIAL NO. 80, CALLED UP**

Senator STAUFFER, without objection, called up from page 11 of the Calendar, Senate Resolution, **Serial No. 80**, entitled:

Designating week of March 14 through 20 as "Irish Heritage Week."

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION,
SERIAL NO. 80, ADOPTED**

Senator STAUFFER. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 80.

The motion was agreed to and the resolution was adopted.

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 228, CALLED UP**

Senator STAUFFER, without objection, called up from page 11 of the Calendar, Senate Concurrent Resolution, **Serial No. 228**, entitled:

Memorializing President and Congress reserve sole regulatory control of intrastate telephone services to State regulatory commissions.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION,
SERIAL NO. 228, ADOPTED**

Senator STAUFFER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution, Serial No. 228.

The motion was agreed to and the resolution was adopted.

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

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

January 11, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Margaret H. George, 79 Buttonwood Lane, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1985, and until her successor shall have been appointed and qualified, vice Joseph J. Licastro, Johnstown, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator MELLOW. Mr. President, we have concluded our caucus approximately forty-five minutes ago. We did not have the name of Margaret George in our caucus when we discussed the activities of today, although there was some concern that we may be confronted with the confirmation of Margaret George in yesterday's Session. The fact we did not have it, we did not have an opportunity to discuss it, I would like to ask the Members on the Democratic side to vote "no" on the nominee based on the fact that we did not have the information in our caucus and not necessarily on her qualifications, we can talk about that later.

Senator LOEPER. Mr. President, it was the indication of the Majority to the Minority yesterday that there was a possibility this nomination may have been run. It was my understanding the nomination was discussed and it was indicated to the Minority on the floor yesterday that the action on that nomination would be deferred until today.

Senator MELLOW. Mr. President, I do not know how the gentleman from Delaware, Senator Loeper, could assume that action was taken on discussion of this particular nominee in our caucus since to the best of my ability I do not believe he attended our caucus today.

Because of that, Mr. President, I would ask for a negative vote on the nominee.

Senator FUMO. Mr. President, I have another procedural objection to this nomination. When the original hearing on Margaret George's qualifications was scheduled, I believe it was on a Wednesday—the exact date escapes me at this point in time—I was unable to reach the gentleman from Warren, Senator Kusse, on that Wednesday or Thursday afterwards. He was available to me on that Friday. The hearing was scheduled for Monday. I asked the gentleman from Warren, Senator Kusse, as the Minority Chairman of the Committee on Labor and Industry, whether or not we could not have a one-week delay in the hearing in order to properly prepare for it. That was denied to us at that time based on the fact that the nomination had to be treated expeditiously. I reaffirmed my request to the gentleman from Warren, Senator Kusse, and the Democratic Members of that committee did not attend that hearing because of that reason. The gentleman from Cambria, Senator Singel, however, did go on behalf of the Democratic Members and expressed that concern to the committee.

Mr. President, we might have been able to understand the reasoning behind the "expeditious" movement of this nomination were it not for the fact that I believe the name stands on the Calendar today on the nineteenth day and we all know that the legislative days are much shorter on the Calendar than the actual Calendar days are. This happened quite some time ago. There was never another hearing scheduled so that the Democratic Members of that committee could properly question this nominee.

For that reason, Mr. President, I would ask my colleagues to vote "no" on this nomination, if for no other reason than the courtesy was not extended to the Minority Members of that committee to have a proper hearing on the nominee.

Senator KUSSE. Mr. President, I would like to clarify a little bit the statements made by the former speaker. It is true a request was made to me to delay the hearing, and I think probably I would have granted the request had it been indicated that the request was coming from the Minority, but the request was that the unions were asking for a delay. I made it clear to the Minority Chairman that the unions do not run the Committee on Labor and Industry.

Senator STAUFFER. Mr. President, the gentleman from Lackawanna, Senator Mellow, has raised a question with regard to the opportunity for the Minority to discuss this nomination in caucus. I would suggest to the Minority Leader that we would be fully agreeable if the Minority would like a short recess for the purpose of a Democratic caucus so they can discuss this nomination and be able to come back to the floor having had the opportunity to do so and be able to hopefully support the nomination.

Senator BELL. Mr. President, I heard the remark of the gentleman from Warren, Senator Kusse, about the unions having no place in the Legislature. I wish to remind the gentleman that the unions represent many hundreds of thousands of Pennsylvanians.

Senator KUSSE. Mr. President, the gentleman from Delaware, Senator Bell, does not listen very well. I did not say the unions have no place here. I said the unions do not run the Committee on Labor and Industry in the Senate. I trust that is clear to the gentleman.

Senator FUMO. Mr. President, I feel compelled to answer the interpretation of the gentleman from Warren, Senator Kusse, of what the request was about. I called the gentleman and asked as Minority Chairman to delay the hearing. During the discussion I said to the gentleman there was some labor concern as to this nominee's qualifications and he did answer me the same way, that the unions do not run the Senate of Pennsylvania. I clarified with the gentleman that I agree that no one runs the Senate of Pennsylvania but the Senate, but that I received a bona fide request from a constituency that has to deal with this particular agency asking for some time to prepare for a hearing. I was extremely clear, very clear in letting him know that the request was from me as Minority Chairman and not from the labor unions.

Mr. President, I want to make that absolutely clear for the record that that is why and that was why the request was made, because the Minority Chairman and the Minority

Members of that committee wanted adequate time to prepare for a hearing. The answer was given to me that the nomination had to be moved expeditiously and I will not even delve into why that was said, but obviously it was not moved expeditiously. This is the first time the Majority has opted to move this nomination.

In a response to the request of the gentleman from Chester, Senator Stauffer, I might be amenable to discussing this nominee more reasonably so we can talk about her qualifications if we could have a proper hearing on the nominee. I have asked that that be scheduled for quite some time now and that has not happened. If and when the Majority Chairman of the Committee on Labor and Industry wants to extend the courtesy to the Minority Members of that committee to conduct the proper hearing, that is all we have ever asked for, with proper notice, we have no problem. Then we can actually discuss the merits of the nominee. But, quite frankly, we are not in a position at this point in time to be able to discuss the merits and we are going to be forced to vote "no." I do not like having to do this to a nominee. I think this nominee is entitled to the due process of this Senate Chamber, but she was denied that. I even expressed my concern to the nominee when she called me before my call to the gentleman from Warren, Senator Kusse, and after my call to the gentleman, as to what the problems with her nomination were going to be.

Mr. President, that is the reason I am asking my colleagues to vote "no," not on the merits of the nominee. I would like to get to the merits of the nominee at some time in the future and if the Majority is willing to schedule an adequate hearing, then perhaps we can discuss the merits.

Senator KUSSE. Mr. President, I have enjoyed a good relationship with the Minority Chairman of the Committee on Labor and Industry. I count him as a close personal friend. Certainly, I do not want him to misunderstand the conversation that took place between us. I think there is a little bit of difference as to the exact wording of the request. In view of the fact that he now reiterates the request, I would be willing to grant it. If, indeed, he feels there is a purpose to be served by having another public hearing on the nomination of Mrs. George, I will be glad to accede to the request of the Minority Chairman.

NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, in light of the request of the gentleman from Warren, Senator Kusse, I would withdraw my motion to call Margaret George's nomination from the table.

The PRESIDENT pro tempore. Senator Loeper moves to table the nomination of Margaret George.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, on the question, I would like to commend the Majority Chairman and I am more than happy to meet with him and try and schedule a hearing and I would like to thank him for his magnanimity.

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

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

SUPPLEMENTAL CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 1102 (Pr. No. 1732) — Senator STAUFFER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 1102, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as reenacted and amended, "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," increasing eligibility under the property tax or rent rebate and inflation dividend; adjusting rebate and dividend schedule; increasing the maximum rebate; and providing for transportation assistance grants and grants to area agencies on aging for services to older persons.

On the question,

Will the Senate agree to the motion?

Senator LEWIS. Mr. President, in reviewing the report of the Committee of Conference, a question arose about the statutory construction of language contained on page 2, line 15 through line 17. A discussion ensued among Members on both sides of the aisle with respect to that question. As a result of that discussion, a memorandum has been prepared which has been distributed and is now on the desks of each of the Members of the Senate.

Mr. President, it is my understanding this memorandum reflects the unanimous opinion of the Members of the Senate with regard to our belief as to that statutory construction.

Mr. President, I have submitted a copy of this memorandum for the record and would simply like the record to note that this does, in fact, express the opinion of all of the Members of the Senate with regard to that particular section.

The PRESIDENT pro tempore. With the gentleman's permission, not only his remarks but a copy of the memorandum will be spread upon the record of the Senate to make that matter very clear.

(The following memorandum was made a part of the record at the request of the gentleman from Bucks, Senator LEWIS:)

SENATE OF PENNSYLVANIA

March 3, 1982.

TO: All Members
Pennsylvania State Senate

FROM: Senator H. Craig Lewis

SUBJECT: Statement of Legislative Intent

As a matter of statutory construction, and to ensure correct interpretation of language contained in Senate Bill 1102 in the future, I am submitting into today's record, the following comments:

The language contained on Page 2, Lines 15 through 17 is not intended to imply any authority to make additional grants to the Department of Aging for transportation assistance and to the Department of Aging for grants to area agencies on aging for services other than those specifically authorized by this legislation under Section 11.4 and 11.5.

H. CRAIG LEWIS

Senator HOPPER. Mr. President, I have read this memorandum and as Chairman of the Committee of Conference, I want to say we have no objection to it being spread on the record.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Hopper.

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

Senator HOPPER. I will, Mr. President, I have a cold but I will try.

The PRESIDENT pro tempore. The Chair notes that it seems to be a Pennsylvania affliction and Senator Fumo may proceed.

Senator FUMO. Mr. President, I believe it is a Republican Pennsylvania affliction.

The PRESIDENT pro tempore. They have always been more sensitive, Senator Fumo.

Senator FUMO. Mr. President, I know they are more sensitive—just on the wrong issues.

Mr. President, during yesterday's discussion on Senate Bill No. 1102, it was brought out there was a substantial surplus in the Lottery Fund. I believe the debate yesterday indicated that even if the House amendments were inserted into the bill, and they have now since been removed, that is the key amendment concerning the extra \$100. Even if that extra \$100 were in there, I believe in my discussion with the gentleman from Chester, Senator Stauffer, we arrived at my conservative number of a \$15.8 million surplus and I believe his number was even a little bit higher than that. I believe in deriving those figures, we talked about the cost of the additional \$100 being somewhere in the neighborhood of \$42.3 million.

Mr. President, when I add that to \$15.8 million, I get \$58.1 million surplus for 1981-82 according to Revenue estimates and the Revenue figures.

Mr. President, using that number as a base, I would like to ask the gentleman from Cumberland, Senator Hopper, what is the intention of the Majority Party with regard to that surplus money?

Senator HOPPER. Mr. President, I think every Member of this Body realizes there is no guarantee in respect to the cash flow of the lottery with this inflationary spiral. It is not like other items that can be more correctly calculated like the mortality tables or the morbidity tables. My feeling on it, in answer to the gentleman, Mr. President, is that we wait and see and when the money is available that it be distributed rather than to hold out false hopes and jeopardize the prop-

erty tax and rent rebate program and to preserve and maintain the integrity of the fund.

Senator FUMO. Mr. President, is it the intention of the gentleman from Cumberland, Senator Hopper, then not to vote on the General Appropriations bill for the next fiscal year because we do not have the money in the treasury either? The logic seems to apply.

Senator HOPPER. Mr. President, tell the gentleman—

The PRESIDENT pro tempore. The issue before the Senate is Senate Bill No. 1102 and not respective votes of any Senators on the appropriations bill. If the gentleman would please confine his remarks or his inquiry to the matter before the Senate.

Senator FUMO. Mr. President, the matter before the Senate is, what are we going to do with the surplus in the fund. Mr. President, I asked the gentleman from Cumberland, Senator Hopper, what the Majority intention was to do with the approximately \$58 million surplus that the Department of Revenue has certified will be in that fund. His answer to me was that we do not know what the surplus is going to be until we get all the money in because it is too difficult to project.

Mr. President, the only reason why I used the analogy to the GA bill was that that is the same way we project anticipated revenues there. If we do not have it, we enact a tax.

Mr. President, I would like to ask the gentleman from Cumberland, Senator Hopper, then how does he feel if his philosophy is that we do not spend money until we actually have it in hand and that we do not want to go with Revenue estimates on the Lottery Fund because it is too difficult to project, then how, in fact, can we even increase this particular benefit by the \$100 check the Governor wants to send out, following his logic?

Senator HOPPER. Mr. President, the figures involved have been projected and have been derived from the history of the lottery. We are trying to maintain the integrity of the fund. Granted, there might be some left over, but we feel there is no way of guaranteeing the amount of money, depending on what figures we use, and the figures we have from the Secretary of Budget Administration and the Secretary of Revenue indicate the present program can be properly funded without jeopardizing or destroying the integrity of the fund.

Senator FUMO. Mr. President, I prefaced the debate and the interrogation by enumerating what had happened yesterday in my debate with the gentleman from Chester, Senator Stauffer. Perhaps that was wrong to do, because I thought we were using and we had agreed to the numbers that were given to us by the Secretary of Revenue for this particular fund. Perhaps the gentleman from Cumberland, Senator Hopper, has different numbers, so I would like to ask him, Mr. President, what does the gentleman feel, according to the Revenue estimates he has, the surplus will be, if there will be a surplus in the Lottery Fund, if Senate Bill No. 1102, Printer's No. 1732, is enacted? What does the gentleman feel the projections will be for the surplus, using the numbers he has? The ones I gave the gentleman before were the ones the gentleman

from Chester, Senator Stauffer, and I had arrived at yesterday. Perhaps the gentleman has different numbers that may be the reason for his concern.

Senator HOPPER. Mr. President, the answer is it would be approximately \$58 million.

Senator FUMO. Mr. President, that is the exact same number I just gave the gentleman from Cumberland, Senator Hopper. I would just like to repeat the question because I am truly concerned as to what we are going to do or what we anticipate doing or what we plan on doing with this \$58 million that belongs to the senior citizens which will be in that fund. The House gave us a proposal to give an additional \$100 to senior citizens, and I did not want that either, I wanted paid prescriptions but, anyway, they gave us that money and they put that in. Now the Committee of Conference that the gentleman from Cumberland, Senator Hopper, is the Chairman of, has decided to remove that \$100 and create a \$58 million surplus in the Lottery Fund which money belongs to the senior citizens. All I want to know is, what does the gentleman intend to do, representing the Majority in this debate, with the \$58 million surplus?

Senator HOPPER. Mr. President, the figures we have indicate the \$58 million will be there at the end of 1981-82. However, the figures also indicate that there will be a declining balance. As I said before, Mr. President, we are trying to maintain the integrity of the fund and under the program as outlined in Senate Bill No. 1102 as it came out of the Committee of Conference, the Lottery Fund balances will continue to decrease and diminish and it is projected, and I mean it is a guesstimate because we have no idea what the cash flow will be in the lottery because of the inflationary impact and all that sort of thing, but it will run into a deficit position in 1986 and 1987. We are simply trying to maintain the integrity of the fund and retain the confidence of our senior citizen population for which the lottery was created.

Senator FUMO. Mr. President, then what the gentleman from Cumberland, Senator Hopper, and if I am wrong I hope he would correct me, is saying to me is the guesstimate, and I think we all agree that Revenue projections are much more accurate when we are dealing in the years that are closer to the time in which the projection is made, but using his guesstimate in fiscal year 1986-87, at which time I hope we are all here, I doubt if we will be, but I hope we would all be here then, that at that point in time there might be a deficit in the fund. Does that mean then that the Majority intends to have this \$58 million sit somewhere in a surplus until 1986 and 1987 when it might be needed to keep the fund in balance? I do not have any problem with that either if that is what the gentleman is telling me he wants to do with the money.

Senator HOPPER. Mr. President, it is my feeling, and I think the consensus of opinion in the Committee of Conference was that we can deal with that on a year-to-year basis. If there is money there to be distributed to the senior citizens, we certainly would want to distribute it. We do not want to stockpile the money in the Lottery Fund, no matter what the interest rates are, it is to be distributed for the benefit of the senior citizens. We will review it each year and take it item for item.

Senator FUMO. Mr. President, on the copy, and I just had it handed to me, the projections given to us by the Secretary of Revenue for the projected State Fund status has the following surpluses, and do not forget, Mr. President, these are cumulative surpluses.

In 1981-82 with the programs placed in it by the House, I will agree with the gentleman from Cumberland, Senator Hopper, that it is \$58.1 million.

In 1982-83, it rises to \$84.5 million because we do not then have the one-shot \$100 giveaway that we are doing now.

In 1983-84, it rises again to \$85.494 million.

In 1984-85, the projection of surplus is \$83 million.

In 1985-86, the projection of surplus is \$71.3 million.

In 1986-87, the projection for surplus then is \$53.6 million.

The Secretary of Revenue has not projected any kind of deficit in 1986-87.

Mr. President, just with a quick mathematical addition, I would say there is roughly a \$500 million surplus by 1986-87 that will be in that fund. That is according to the Secretary of Revenue.

Mr. President, my big problem with the position of the Majority is what are we going to do with the surplus? Mr. President, that is my fear.

I intend to vote for this bill with great trepidation because I do not know what the Majority plan is for those surpluses and I happen to believe, as I think many of us do, that this money belongs to the senior citizens of Pennsylvania. While we may dispute philosophically whether or not we should give them the programs I advocate and the gentleman from Philadelphia, Senator Lloyd, advocates of paid prescriptions, or whether we should give them \$100 rebates, or whatever else we want to give them, this money is still their money. I have great fears when people tell me we are going to develop these large surpluses and we do not know what to do with them. I have great fears as to what is going to happen to that money. Regardless of that, reluctantly I intend to vote for the bill because I think to do otherwise would probably deny our senior citizens even their piece of the fund that the bill gives them, although it is small.

Senator STAUFFER. Mr. President, I think, first of all, and I hope the gentleman from Philadelphia, Senator Fumo, will pay attention to this because the figures he cited are incorrect. What the gentleman failed to take into account in citing those figures was the fact that this legislation, in addition to the bonus, increases benefits two ways. It increases the overall benefit and it increases the base so that some 40,000 to 50,000 additional people will receive benefits under the program.

Mr. President, in taking that into account there is a decline in the surplus as we project the figures, not an increase as the gentleman points out by merely accumulating and rolling over the balances.

I think an important additional thing that has to be noted here is, there is nothing wrong with having a surplus as long as that surplus is being used for its intended purpose, and that is to benefit senior citizens. I think every Member on this side of the aisle is in total agreement with the gentleman from Philadelphia, Senator Fumo, that this money belongs to the

senior citizens and it is going to be spent for their benefit and be spent with them.

Mr. President, I think the debate we are engaged in is how we best do that. We could make a grandstand play here today and we could offer a huge bonus and literally wipe out the fund or we can take a more prudent course and guarantee that this fund will have integrity for the years ahead so that those guesstimates as to what the revenues may be will not, if they fail to come to fruition, find us facing a situation where we are unable to meet the commitment of the Lottery Fund to our senior citizens.

Mr. President, that really is the issue, I think, that has evolved in the current debate. Our view is we can give a worthwhile and substantial bonus benefit to the senior citizens of this Commonwealth this year. If the economy, as related through the Lottery Fund, continues to do well in the future, perhaps we will be in the situation that the gentleman from Philadelphia, Senator Fumo, describes of being able to in another year, next year or whenever, consider some additional benefits. Under any circumstance, by following the path we have laid out, we are going to guarantee that there will be a fund there and that next year and the next year and the following year and the years to come, there will be benefits that our senior citizens look for to be paid without endangering the integrity of this fund.

Senator FUMO. Mr. President, in response to the analysis of the numbers by the gentleman from Chester, Senator Stauffer, we have now taken a look at the latest analysis which has been provided to us by the Secretary of Revenue which is dated February 25, 1982, at 10:21 a.m., which, in that projection, talks about the money that would be appropriated and spent under this particular piece of legislation. It is true those numbers are different and for the record I can read them in briefly. For 1981-82 it is a projected surplus of \$60.1 million; 1982-83, \$59.4 million, it does decline; 1983-84, \$41.6 million; 1984-85, \$34 million; 1985-86, \$20.4 million and 1986-87, \$678,000.

Mr. President, when we total that up we come to approximately a \$215 million surplus in 1986-87. But, Mr. President, and this is a very big but, in those projections from the Secretary of the Revenue is included for fiscal years 1982-83 and 1983-84, in 1982-83, \$18.6 million for the AAA grants and in 1983-84, \$19.7 million.

Mr. President, those programs are presently being funded out of GA money, and it is the Governor's idea and in his budget message that rather than have the General Fund pay for these programs, what his projection and what these numbers indicate to us and the reason why they decline is because he wants to raid the Lottery Fund to pay for generally appropriated funded programs.

Mr. President, that is the problem that I discussed in the very beginning which was my fear when we start developing surpluses. We do not want to raid this fund to help the Governor balance his budget. This money is to be a supplement to those programs already enacted by the General Assembly and funded by the General Fund. This fund was never intended to be the way to balance the budget for senior citizens. The pro-

jections that the gentleman from Chester, Senator Stauffer, speaks of, and the ones I just read into the record, are the ones that were prepared by the Secretary of Revenue with that plan in mind. That is my fear when we start developing large surpluses. My fear is that the Governor will come back to us and say the Lottery Fund has been doing very well. Why do we not let them take over some of these other programs that are presently being funded by the General Fund and allow that to happen? That would be a raid of the Lottery Fund, that would be something senior citizens have been promised would never happen since the day the Lottery Fund was set up. That is my fear for the surplus, Mr. President. I recognize we want to go home today so I will not extend the debate, but I do want to place on notice to the Majority the fact that we will not tolerate any raid of this fund to help the Governor balance his budget in future years as the projections seem to indicate to us today.

Mr. President, I think the reason why the House spent the money now was to prevent the temptation in the future to raid this fund.

Senator LLOYD. Mr. President, the gentleman from Allegheny, Senator Zempelli, has asked me, as the Democratic Committee of Conference Member, to briefly review our position regarding the report of the Committee of Conference.

I think the fundamental question with which we are faced is, what is the best possible use of lottery funds? We have discussed that at length in this Chamber over the past several months. Of course, there is an acute difference of opinion and the concept that the best use of lottery funds in this instance is for prescription drug programs, as you know, Mr. President, failed by one vote in this Chamber. The utilization of the surplus then becomes the next question. There does not appear to be, according to this report of the Committee of Conference, a full utilization of the surplus that is available in the Lottery Fund for the benefit of Pennsylvania's senior citizens. It is for this reason, as a Member of the Committee of Conference, I did not sign the report that is before us. Much like the gentleman from Philadelphia, Senator Fumo, who preceded me, however, I must reluctantly, most reluctantly, recommend passage of the legislation before us for the simple reason that it is simply better than not using it at all, and that it at least gets some services and some funds directly into the hands of Pennsylvania's senior citizens.

It is certainly incumbent upon me, however, to very clearly state that this does not represent the best utilization or maximum utilization of these funds on behalf of the people we are supposedly representing in this instance and, that is, Pennsylvania's elderly. I would hope that all of us at some point, and we have often seen this political process work in an excellent fashion where compromise is hammered out, where differing points of view are accommodated in some way. I think for the future, Mr. President, we would all do ourselves well on both sides to try to recognize that it is going to require a bipartisan and to some extent detached review of what is the best way to use these funds that we have in the lottery system.

We, Democrats and Republicans alike, can be proud of the fact that the lottery program is working well. It is generating

an enormous amount of money and I think we have to be very, very careful to not simply carve up those funds in a highly political process, certainly of which I am part and, therefore, not get the most utilization for our senior citizens. I am afraid that is what has happened here and it is only with the deepest sense of reluctance that I recommend to Members of both sides of the aisle that we do accept passage of this legislation and would hope in the future that we can focus greater attention on the objective needs of Pennsylvania's elderly.

Senator LOEPER. Mr. President, I also had the opportunity to serve as a conferee on that Committee of Conference. There was much discussion in the committee as far as what was the proper rebate to present to each and every one of our senior citizens of Pennsylvania. However, I think the gentleman from Philadelphia even has to agree that one of his own Members in the Minority on that Committee of Conference agreed it was not possible in order to increase that \$100 rebate prior to the end of this current fiscal year. I think the discussion also centered that certainly it would be nice if we could add another \$100 now, come back three months from now and give them \$200, four months, \$500, it would be great if we could all go back home and say, "Look what we have done for you in Harrisburg."

I think the bottom line, Mr. President, is that we must maintain the fiscal integrity of that Lottery Fund. If we want to take a look at the figures, I think figures work both ways. I think if the gentleman that had responded with the figures into the record from the Department of Revenue had looked maybe at the reverse situation, that currently we are talking this fiscal year about a \$60 million surplus in that fund but yet funding it at the current level with no increases in the program, that fund will retreat by almost \$59 million in almost a five-year period. I think as many have indicated on this floor, the ultimate goal is to provide the most service, the most benefit for our seniors but still maintain the fiscal integrity of the Lottery Fund.

Mr. President, I would ask for an affirmative vote.

Senator BODACK. Mr. President, I rise to express several concerns that I have with the report of the Committee of Conference on Senate Bill No. 1102.

First and foremost, I do not understand why our Republican friends were so determined to slash the \$200 anti-inflation dividend to \$100. We had been told that there would still be a significant surplus in the Lottery Fund, even with the amendments and the \$200 one-time benefit the House had provided. There was absolutely no reason in my judgment to deny our hard-pressed elderly citizens that higher amount. This is their money and they deserve it.

Secondly, Mr. President, I am concerned over the fact that what our Republican friends might really be attempting to do is to pave the way for the Governor of this State to eliminate any General Fund budget assistance to our senior citizens in the future. For the third year in a row, Governor Thornburgh has recommended in his 1982-83 State budget that State Lottery funds be used to fund the programs and services of the State Department of Aging. Previously, and thanks to the

bipartisan support by the Legislature, the Governor's proposals to shift the funding for the programs to the Department of Aging has been rejected by the General Assembly. Hopefully, we will turn thumbs down on that idea for the third year in a row. Unfortunately, however, I am concerned as the gentleman from Philadelphia, Senator Fumo, alluded to, that what our Governor and our Republicans really have up their sleeves and with regard to this report of the Committee of Conference is an attempt to maintain sufficient surplus in the lottery so they can eliminate any General Fund assistance for our senior citizens and provide to our senior citizens solely based on the whims of the future purchases of the lottery tickets.

Senator BELL. Mr. President, I happen to be a Republican and if that thing that just was warned of by the gentleman from Allegheny, Senator Bodack, occurs, it will be done with Democratic votes.

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

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

YEAS—48

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

NAYS—1

Lewis

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

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

GUESTS OF SENATOR J. DOYLE CORMAN PRESENTED TO SENATE

Senator CORMAN. Mr. President, it is my honor to have as my guests in the gallery today, Pastor Dean Rupe, who offered the prayer in the House today and Mr. Hal Gibboney, both of Yeagertown in Mifflin County. I would ask the Senate to offer them our usual warm welcome.

The PRESIDENT pro tempore. If these guests of Senator Corman will please rise, the Senate would like to extend to you its warm welcome to the Senate of Pennsylvania.

(Applause.)

ANNOUNCEMENT BY MAJORITY WHIP

Senator STAUFFER. Mr. President, I think an announcement for the benefit of the Members is in order. There will be no further roll calls today, but we will have to hold the desk

open in order to sign documents and pass some papers back and forth, so the Members can leave without the concern that there will be any further roll calls. There will be none.

UNFINISHED BUSINESS 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 John Paul Ruggieri by Senator Lincoln.

Congratulations of the Senate were extended to the Friendly Sons of St. Patrick of Greater Pittston by Senator Murray.

Congratulations of the Senate were extended to Helene Whitaker by Senator Reibman.

Congratulations of the Senate were extended to the 1981 Eagle Scout Class of the East Valley Area Council of the Boy Scouts of America by Senator Zemprelli and others.

BILLS ON FIRST CONSIDERATION

Senator PRICE. 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 844, 1046, 1299, 1302, HB 223, 1196, 1200, 1788 and 1972.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, on Senate Concurrent Resolution, Serial No. 228, today I practiced a good rule that when you have the votes, shut up, and then talk about it under Petitions and Remonstrances. This resolution now goes to the House. It is a rather important resolution. The Bell Telephone-American T&T merger that was mandated, forecasted by the district court decision in January, the Senate Committee on Consumer Protection and Professional Licensure the next work day scheduled public hearings and out of the public hearings obtained the testimony of Chairman Shanaman of the Public Utility Commission where she warned us that the Federal government through the Federal Communications Commission and through acts of Congress, a bill has been introduced in Congress, proposed to take over regulation of intrastate telephone services, exchanges between Harrisburg and Lancaster, the long lines, as they are called of American T&T. Ms. Shanaman pointed out very clearly that this thing was coming down the road, that the State regulatory agencies had had a meeting in Washington and they all came away with the opinion that unless the States acted, the Federal government would preempt this jurisdiction. This resolution is the

first concrete item that has come out of that public hearing. We are going to have more public hearings on this.

It is very essential that this pass the House of Representatives and go to the Congress because the people of Pennsylvania have had too much Federal preemption. The Nuclear Regulatory Commission is a prime offender. Here we have Three Mile Island in our midst. We cannot do a thing about it because the Federal government has preempted it. They sit down in Washington and they do not give a damn about what happens in Pennsylvania. The same way with the price on natural gas. It flows through under regulations set by Washington and we have to take what they say.

Mr. President, Senate Concurrent Resolution, Serial No. 228, which was adopted, which we drew up and put together in working with PUC Chairman Shanaman, I think is something to preserve the rights of Pennsylvania to control our own intrastate telephone communication rates and operation.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

BILL SIGNED

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

SB 918.

RECESS

Senator STAUFFER. Mr. President, I move that the Senate recess to the call of the Chair.

The motion was agreed to.

The PRESIDENT pro tempore. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 1102.**

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1161**, with the information that the House has

passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in Senate Concurrent Resolution, Serial No. 225, entitled:

Urging necessary steps be taken to assure safe and permanent disposal of low-level and high-level radioactive wastes.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 617 and 1776.

BILLS SIGNED

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

SB 1102, HB 617, 874, 1153 and 1776.

LEGISLATIVE LEAVE WITHDRAWN

Senator LOEPER. Mr. President, I would note for the record that Senator Rhoades, who had asked for temporary legislative leave, has returned to the floor.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY MARCH 8, 1982

- 9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Education)
- 2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
State Colleges and
Indiana University)

TUESDAY, MARCH 9, 1982

- 9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Public
Welfare)
- 3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Pennsylvania State
University)

WEDNESDAY, MARCH 10, 1982

- 9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of
Transportation)
- 11:00 A.M. CONSUMER PROTECTION Room 461,
AND PROFESSIONAL 4th Floor
LICENSURE (Public Conference Rm.,
Hearing on Senate North Wing
Bill No. 954)
- 2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Governor's Office)

THURSDAY, MARCH 11, 1982

- 9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Health)
- 10:00 A.M. PUBLIC HEALTH AND Room 461,
WELFARE (Oversight 4th Floor
Hearing) Conference Rm.,
North Wing
- 1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Military
Affairs)
- 2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Insurance)

FRIDAY, MARCH 12, 1982

- 9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
State Employes
Retirement Board)
- 10:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
School Employes
Retirement Board)
- 11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Lincoln University)
- 1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
University of Pittsburgh)
- 2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Temple University)

MONDAY, MARCH 15, 1982

- 9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Revenue)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Agriculture)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Attorney General)

3:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Aging)

TUESDAY, MARCH 16, 1982

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Environ-
mental Resources)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of State)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Pennsylvania State
Police)

3:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Commerce)

WEDNESDAY, MARCH 17, 1982

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Labor
and Industry)

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of General
Services)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Auditor General)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Pennsylvania Historical
and Museum Commission)

3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Treasury Department)

THURSDAY, MARCH 18, 1982

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Department of Community
Affairs)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Public Utility
Commission)

THURSDAY, MARCH 25, 1982

9:00 A.M. TRANSPORTATION Auditorium,
(Public Hearing on Learning and
House Bill No. 1394) Research Center,
California State
College,
California, PA

MONDAY, MARCH 29, 1982

11:00 A.M. LABOR AND INDUSTRY Room 460,
(to consider Senate Bills 4th Floor
No. 320, 388, 515, 1125, Conference Rm.,
1126 and 1340) North Wing

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, March 22, 1982, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 3:27 p.m., Eastern Standard Time.