

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MARCH 22, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 22

SENATE

MONDAY, March 22, 1982.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend Mr. TIMOTHY HOFFMAN, Pastor of Mount Zion Evangelical Lutheran Church, Lewisberry, offered the following prayer:

Most gracious God, Creator and Sustainer of all life, we give You praise and thanks for this day and for the safe journeys which brought us together.

We now call upon You for the inspiration and the presence of Your spirit for this governing body. We ask for wisdom, insight and guidance in order that we may prove to be good and faithful stewards of the power and resources You have entrusted into our care. In Christ's name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Mr. Hoffman who is the guest this week of Senator Hopper and Senator Wilt.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 3, 1982.

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

SENATOR JUBELIRER TO VOTE FOR SENATOR RHOADES AND SENATOR HOLL

Senator JUBELIRER. Mr. President, I would request a legislative leave of absence for Senator Rhoades, who is in the building meeting with State officials on health and environmental matters, and also for Senator Holl, who was delayed due to acting on legislative business in his home office and will be on his way.

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

LEAVES OF ABSENCE

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

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 16, 373, 725, 918, 1081 and 1102.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF PENNHURST CENTER

March 4, 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 Walter T. Darmopray, 626 Brown Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Trustees of Pennhurst Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Steve J. Catranis, Royersford, resigned.

DICK THORNBURGH.

MEMBER OF THE CUMBERLAND COUNTY BOARD OF ASSISTANCE

March 4, 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 Harold Diehl, Jr. (Republican), 3919 Cherylbrook Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND
COUNTY BOARD OF ASSISTANCE

March 4, 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 Donald E. Miller (Republican), 35 Wilson Circle, North Hills, Milton 17847, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Joseph A. Carpentier, Shamokin, deceased.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND
COUNTY BOARD OF ASSISTANCE

March 4, 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 Albert Pupo (Republican), 910 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Henry D. Sgro, Kulpmont, whose term expired.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY

March 8, 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 Dana S. Jones, Esquire, 303 Pittsburgh Avenue, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of the County of Erie, to serve until the first Monday of January, 1984, vice Lindley R. McClelland, resigned.

DICK THORNBURGH.

MEMBER OF THE HEALTH
CARE POLICY BOARD

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William G. Fisher, 1129 Laurel Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE HEALTH
CARE POLICY BOARD

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William A. Gannon, R. D. 2, Towanda 18848, Bradford County, Twentieth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until January 8, 1986, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE HEALTH
FACILITY HEARING BOARD

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Roger A. Fairfax, Sr., 3692 Chartiers Avenue, Pittsburgh 15204, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

SHERIFF IN AND FOR THE
COUNTY OF BEDFORD

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert H. Shuller, Jr., Route 5, Box 192 AB, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as Sheriff in and for the County of Bedford, to serve until the first Monday of January, 1984, vice Fred W. Hoover, deceased.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SLIPPERY ROCK STATE COLLEGE

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Nancy L. Mickle, R. D. 1, Box 115, Greenville 16125, Mercer County, Fiftieth Senatorial District, for appointment as a student member of the Board of Trustees of Slippery Rock 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 Adrienne Jo Lippert, Pittsburgh, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE NORTHUMBERLAND
COUNTY BOARD OF ASSISTANCE**

March 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louise L. Hubler (Republican), 211 North Franklin Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Doctor John Baksi, Mount Carmel, whose term expired.

DICK THORNBURGH.

**JUDGE, COURT OF COMMON PLEAS,
MCKEAN COUNTY**

March 12, 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 Richard E. Brandow, Esquire, 54 Boylston Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Forty-eighth Judicial District of Pennsylvania, composed of the County of McKean, to serve until the first Monday of January, 1984, vice The Honorable William Potter, defeated in retention election.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC EXAMINERS**

March 17, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Catherine P. Blynn, D.Ed. (Public Member), 640 Columbia Avenue, Palmerton 18071, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Chiropractic Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 292, approved November 26, 1978.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC EXAMINERS**

March 17, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis P. Latimer, D.C., R. D. 1, Crystal Lake Forest, Cambondale 18407, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1985, and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC EXAMINERS**

March 17, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Conrad F. Matz, Jr., D.C., 3940 Monroeville Boulevard, Monroeville 15146, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1985, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. J. R. Friend, Albion, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

March 17, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Taylor A. Doeblor, Jr. (District Three), R. D. 1, Box 423, Jersey Shore 17740, Clinton County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice David L. Drakula, Emporium, resigned.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

March 17, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edith Benson, 468 Budd Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1982, and until her successor shall be duly appointed and qualified, vice John Braxton, Philadelphia, resigned.

DICK THORNBURGH.

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

**MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL**

March 4, 1982.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 19, 1982 for the appointment of Samuel Scrimalli, 2146 North Washington Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, as a

member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice Dominick L. Touch, Archbald, deceased.

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

DICK THORNBURGH.

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PERRY COUNTY
BOARD OF ASSISTANCE**

March 18, 1982.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 1982 for the reappointment of Thomas M. Evans (Republican), 221 North High Street, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the Perry County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

HOUSE MESSAGES

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE TO
SB 404, AND APPOINTS COMMITTEE
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 404**, and has appointed Messrs. GALLEN, PICCOLA and COWELL as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE TO
SB 457, AND APPOINTS COMMITTEE
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 457**, and has appointed Messrs. DININNI, NOYE and KOLTER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE TO
SB 1010, AND APPOINTS COMMITTEE
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1010**, and has appointed Messrs. L. E. SMITH, POTT and LAUGHLIN as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**HOUSE RECEDES FROM ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 306**

The Clerk of the House of Representatives informed the Senate that the House recedes from its amendments nonconcurring in by the Senate to **SB 306**, as follows:

Amendments contained on page 5, lines 7 through 9; page 13, lines 7 through 16 inclusive.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 179**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

March 3, 1982

HB 2083, 2210 and 2212 — Committee on Appropriations.
HB 2199 — Committee on Banking and Insurance.

March 11, 1982

HB 2211 — Committee on Appropriations.
HB 1739 — Committee on Banking and Insurance.
HB 2081 — Committee on Consumer Protection and Professional Licensure.
HB 2037 — Committee on State Government.

HOUSE RESOLUTIONS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolutions for concurrence, which were referred to the committees indicated:

March 3, 1982

House Resolution No. 127 — Committee on Transportation.
House Resolution No. 156 — Committee on Rules and Executive Nominations.

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:

March 4, 1982

Senator RHOADES presented to the Chair **SB 1347**, entitled:

An Act making an appropriation to the Schuylkill County Council for the Arts.

Which was committed to the Committee on APPROPRIATIONS, March 4, 1982.

Senators HOPPER, JUBELIRER, ZEMPRELLI, SCANLON, MURRAY, FISHER and O'CONNELL presented to the Chair **SB 1348**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," further providing for review of subdivision plans of municipalities which have a subdivision and land development ordinance.

Which was committed to the Committee on LOCAL GOVERNMENT, March 4, 1982.

March 17, 1982

Senators O'CONNELL, HELFRICK and STAPLETON presented to the Chair **SB 1349**, entitled:

An Act amending the act of August 8, 1961 (P. L. 975, No. 436), entitled "Milk Adulteration and Labeling Act," defining manufactured dairy products and changing penalties for violations.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, March 17, 1982.

Senators O'CONNELL, HELFRICK and STAPLETON presented to the Chair **SB 1350**, entitled:

An Act amending the act of July 2, 1935, (P. L. 589, No. 210), entitled, as amended, "Milk Sanitation Law," extending coverage to milk for manufacturing purposes and manufactured dairy products.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, March 17, 1982.

**RESOLUTION OF THE
CALIFORNIA LEGISLATURE**

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

**ASSEMBLY
CALIFORNIA LEGISLATURE**

March 8, 1982.

Hon. William W. Scranton III
Lieutenant Governor of Pennsylvania
President of the Senate
Main Capitol Building, Room 200
Harrisburg, Pennsylvania 17120

Dear Governor Scranton:

I have been directed to invite your attention to Assembly Joint Resolution No. 43, relative to hazardous waste treatment and disposal sites.

Accordingly, I am enclosing a copy of this resolution for your information.

Very truly yours,

JAMES D. DRISCOLL
Chief Clerk

ASSEMBLY JOINT RESOLUTION NO. 43

Adopted in Assembly August 13, 1981

RESOLUTION CHAPTER

Assembly Joint Resolution No. 43—Relative to hazardous waste treatment and disposal sites.

LEGISLATIVE COUNSEL'S DIGEST

AJR 43, Duffy. Hazardous waste treatment and disposal sites.

This measure would memorialize the Congress of the United States to encourage the development of hazardous waste treatment and disposal sites within each state in the union.

WHEREAS, The amount of hazardous waste which must be disposed of in this country each year is increasing dramatically; and

WHEREAS, The public has become increasingly concerned with regard to the potentially harmful effect of such waste on the public health and safety and the environment; and

WHEREAS, The number of hazardous waste disposal facilities is decreasing in the face of increasing demand, and under present circumstances and law, the imbalance between supply and demand is likely to further increase in the foreseeable future; and

WHEREAS, Any decrease in the number of existing hazardous waste facilities increases the distance necessary to transport hazardous waste in order to properly dispose of it; and

WHEREAS, There have been an increasing number of spills and accidents on the nation's highways involving the transportation of hazardous materials, which threaten the health, safety, and welfare of the citizens of this country; and

WHEREAS, An increase in the distance which it is necessary to travel in order to properly dispose of hazardous waste encourages illegal disposal; and

WHEREAS, While a completely risk-free environment cannot be provided, we as a nation must do all in our power in order to minimize the risk of significant harm to the public from the adverse effects of exposure to such substances; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the Congress of the United States to encourage the development of hazardous waste treatment and disposal facilities in each state in the union by, among other things, developing a system of financial incentives which will encourage the development of hazardous waste treatment and disposal sites within the boundaries of each state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of State and presiding officer of each house of the Legislature of each of the other states in the United States, to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

**COMMITTEE OF CONFERENCE APPOINTED
ON SB 404**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators TILGHMAN, LOEPER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar com-

mittee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 404.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 457

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators TILGHMAN, MANBECK and EARLY as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 457.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 1010

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators HOWARD, MOORE and MESSINGER as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 1010.

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

BILL SIGNED

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

SB 306.

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Local Government, reported, as amended, **SB 1253**.

Senator GEKAS, from the Committee on Judiciary, reported, as amended, **SB 1297** and **HB 50**.

Senator HOPPER, from the Committee on Aging and Youth, reported, as amended, **SB 1194**.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, March 22, 1982.

RESOLVED (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 29, 1982 unless sooner recalled by the President Pro

Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, March 29, 1982 unless sooner recalled by the Speaker of the House of Representatives.

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

GENERAL COMMUNICATIONS

DISCHARGE PETITIONS

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Margaret H. George	Member Pennsylvania Labor Relations Board
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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

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We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Betty Wargo	Member Board of Trustees, Coaldale State General Hospital
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Robert W. Lentz	Member Board of Trustees, Cheyney State College
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Clifford V. Jones	Member Board of Trustees, Edinboro State College
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Barbara Foster	Member Board of Assistance, Elk County
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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

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We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative

days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|-----------------|--|
| Thomas M. Evans | Member
Board of Assistance,
Perry County |
| | Edward P. Zemprelli |
| | Eugene F. Scanlon |
| | Robert J. Mellow |
| | Francis J. Lynch |
| | James E. Ross |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|-------------------|---|
| William R. Harper | District Justice
County of Allegheny |
| | Edward P. Zemprelli |
| | Eugene F. Scanlon |
| | Robert J. Mellow |
| | Francis J. Lynch |
| | James E. Ross |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomina-

tion must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|------------------------|---|
| Eugene C. Eichelberger | Member
Board of Trustees,
Scotland School for
Veterans' Children |
| | Edward P. Zemprelli |
| | Eugene F. Scanlon |
| | Robert J. Mellow |
| | Francis J. Lynch |
| | James E. Ross |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|------------|---|
| James Noah | Member
Board of Trustees,
Torrance State Hospital |
| | Edward P. Zemprelli |
| | Eugene F. Scanlon |
| | Robert J. Mellow |
| | Francis J. Lynch |
| | James E. Ross |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days fol-

lowing such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|---------------------|--|
| Allen W. J. Turske | Member
Board of Trustees,
Woodville State Hospital |
| Edward P. Zemprelli | |
| Eugene F. Scanlon | |
| Robert J. Mellow | |
| Francis J. Lynch | |
| James E. Ross | |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|---------------------------|--|
| Vaughn E. Whisker,
Sr. | Member
Board of Assistance,
Bedford County |
| Edward P. Zemprelli | |
| Eugene F. Scanlon | |
| Robert J. Mellow | |
| Francis J. Lynch | |
| James E. Ross | |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nom-

ination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|---------------------|--|
| Lila R. Cohen | Member
Board of Trustees,
Philadelphia State
Hospital |
| Edward P. Zemprelli | |
| Eugene F. Scanlon | |
| Robert J. Mellow | |
| Francis J. Lynch | |
| James E. Ross | |

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

In the Senate, March 22, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on January 18, 1982; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

- | | |
|---------------------|--|
| Henry J. Nimmons | Member
Board of Trustees,
Philadelphia State
Hospital |
| Edward P. Zemprelli | |
| Eugene F. Scanlon | |
| Robert J. Mellow | |
| Francis J. Lynch | |
| James E. Ross | |

The PRESIDENT. The communications will be laid on the table.

LEGISLATIVE LEAVE WITHDRAWN

Senator JUBELIRER. Mr. President, before we turn to the Calendar, I would like the record to note the presence of Senator Holl and Senator Rhoades, who were on temporary legislative leave. There will be no need for that. They will be here and present and vote in personam.

CALENDAR**REPORT OF COMMITTEE OF CONFERENCE****BILL RECOMMITTED TO
COMMITTEE OF CONFERENCE**

SB 277 (Pr. No. 1733) — Senator JUBELIRER. Mr. President, I move that Senate Bill No. 277, Printer's No. 1733, be recommitted to the Committee of Conference.

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

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

YEAS—43

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

NAYS—1

Early

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

The PRESIDENT. Senate Bill No. 277 is recommitted to the Committee of Conference.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room to the rear of the Senate Chamber.

Immediately following the meeting of the Committee on Rules and Executive Nominations, Mr. President, I would ask that the Republican Members of the Senate report to the first floor caucus room with the expectation that we would return to the floor by 4:00 p.m.

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be followed by Republican and Democratic caucuses, and with the

expectation of returning to the floor by 4:00 p.m., the Chair declares the Senate in recess.

AFTER RECESS

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

**SENATOR MELLOW TO VOTE FOR
SENATOR EARLY**

Senator MELLOW. Mr. President, I request a legislative leave of absence for Senator Early who is attending a meeting of the Committee of Conference on House Bill No. 720.

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

**SENATOR JUBELIRER TO VOTE FOR
SENATOR STAUFFER, SENATOR SNYDER
AND SENATOR CORMAN**

Senator JUBELIRER. Mr. President, for the same purpose, Mr. President, Senator Stauffer and Senator Snyder are also on the same Committee of Conference. Senator Corman is on legislative business and had to return to his district as such and I would request a legislative leave.

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

LEAVE OF ABSENCE

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

CONSIDERATION OF CALENDAR RESUMED**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****BILL OVER IN ORDER**

SB 1161 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

FINAL PASSAGE CALENDAR**BILL OVER IN ORDER**

SB 1286 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1015 (Pr. No. 1719) — 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—44

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

NAYS—0

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

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

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

SENATOR ZEMPRELLI TO VOTE FOR SENATOR FUMO

Senator ZEMPRELLI. Mr. President, my purpose in rising is to request a temporary legislative leave for Senator Fumo, who had to leave the floor for some legislative matters.

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 1118, SB 1124 and 1182 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AMENDED

SB 1277 (Pr. No. 1575) — Considered the third time,

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

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

Amend Title, page 1, line 12, by removing the period after "ballots" and inserting: for absentee electors files and lists and for canvassing of official absentee ballots.

Amend Sec. 1, page 1, line 16, by striking out "and" and inserting: , subsections (a) and (b) of section 1302.3,

Amend Sec. 1, page 1, line 16, by inserting after "1306," subsection (b) of section 1307 and subsection (e) of section 1308,

Amend Bill, page 5, by inserting between lines 15 and 16:

Section 1302.3. Absentee Electors Files and Lists.—(a) The county board of elections shall maintain at its office [a file containing the duplicate absentee voter's temporary registration cards] a list of every registered elector to whom an absentee ballot has been sent. Such [duplicate absentee voter's temporary registration cards] list shall be [filed] maintained by election districts. [and within each election district in exact alphabetical order and

indexed.] The [registration cards so filed] list shall constitute the Registered Absentee Voters [File] List for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such [file] list shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations.

(b) The county board of elections shall post in a conspicuous public place at its office a master list arranged in alphabetical order by election districts setting forth the name and residence, and at primaries, the party enrollment, of (1) every military elector to whom an absentee ballot is being sent, each such name to be prefixed with an "M"; (2) every bedridden or hospitalized veteran outside the county of his residence who is not registered and to whom an absentee ballot is being sent, each such name to be prefixed with a "V"; and (3) every registered elector who has filed his application for an absentee ballot too late for the extraction of his original registration card and to whom a ballot is being sent and every qualified elector who has filed his application for an absentee ballot and is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting, each such name to be prefixed with a "C." This list shall be known as the Military, Veterans and Emergency Civilians Absentee Voters [File] List for the Primary or Election of (date of primary or election) and shall be posted for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day on which the county board of elections certifies the returns of the primary or election, whichever date is later. Such [file] list shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations. This posted list shall not contain any military address or references to any military organization. Upon written request, the county board shall furnish a copy of such list to any candidate or party county chairman.

Amend Bill, page 6, by inserting between lines 22 and 23:

Section 1307. Certain Electors Voting in Districts of Residence.—***

(b) Each such application shall be in the form and shall contain the information required by this act together with a statement by the applicant that he has not already voted in the election.

The county board of elections shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "Approved," subject to the limitations set out in section 1302.2 of this act. When so approved, the county board of elections shall cause the applicant's name and residence (and at primaries, the party enrollment) to be [inserted in] placed on the "Military, Veterans and Emergency Civilian Absentee Voters [File] List" as provided in section 1302.3 subsection (b).

Section 1308. Canvassing of Official Absentee Ballots.—

(e) At such time the local election board shall then further examine the declaration on each envelope not so set aside and shall compare the information thereon with that contained in the "Registered Absentee Voters [File] List," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters [File] List." If the local election board is satisfied that the declaration is sufficient and the information contained in the

“Registered Absentee Voters [File] List,” the absentee voters’ list and the “Military Veterans and Emergency Civilians Absentee Voters [File] List” verifies his right to vote, the local election board shall announce the name of the elector and shall give any watcher present an opportunity to challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified elector; or (2) that the absentee elector was within the county of his residence on the day of the primary or election during the period the polls were open, except where he was in military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (3) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein the local election board shall mark “challenged” on the envelope together with the reason or reasons therefor, and the same shall be set aside for return to the county board unopened pending decision by the county board and shall not be counted. All absentee ballots not challenged for any of the reasons provided herein shall be counted and included with the general return of paper ballots or voting machines, as the case may be as follows. Thereupon, the local election board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. All of such envelopes on which are printed, stamped or endorsed the words “Official Absentee Ballot” shall be placed in one or more depositories at one time and said depository or depositories well shaken and the envelopes mixed before any envelope is taken therefrom. If any of these envelopes shall contain any extraneous marks or identifying symbols other than the words “Official Absentee Ballot,” the envelopes and the ballots contained therein shall be set aside and declared void. The local election board shall then break the seals of such envelopes, remove the ballots and record the votes in the same manner as district election officers are required to record votes. With respect to the challenged ballots, they shall be returned to the county board with the returns of the local election district where they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges and notice shall be given where possible to all absentee electors thus challenged and to every attorney, watcher or candidate who made such challenge. The time for the hearing shall not be later than seven (7) days after the date of said challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges and, in hearing the testimony, the county board shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing. The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. Such appeal shall be taken, within two (2) days after such decision shall have been made, whether reduced to writing or not, to the court of common pleas setting forth the objections to the county board’s decision and praying for an order reversing same. Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots irrespective of whether or not appeal was taken from the county board’s decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots shall be added to the other votes cast within the county.

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 HESS.

SB 1287 (Pr. No. 1706) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 2), page 1, line 19, by striking out the bracket before “by”

Amend Sec. 1 (Sec. 2), page 2, line 4, by striking out “] and for” and inserting: Conveyance of property for the exclusive purpose of

Amend Sec. 1 (Sec. 2), page 2, line 6, by removing the period after “County” and inserting: is hereby construed to be a public purpose conforming to the provisions of this act.

Amend Sec. 2 (Sec. 5), page 2, line 12, by inserting after “TO”: and conditioned upon payment of a nominal fee by those

Amend Sec. 3, page 2, line 14, by striking out “in 60 days.” and inserting: immediately.

On the question,

Will the Senate agree to the amendments?

Senator HELFRICK. Mr. President, these amendments are addressed to the ultimate disposition of the properties in question. These amendments will insure the properties will be donated for a nominal sum and that no use other than public purposes and relocation will be authorized. The amendments make the bill significantly sounder, insuring that the question will now arise if the relocation proceeds.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

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

BILL OVER IN ORDER

SB 1292 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1323 (Pr. No. 1662) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O’CONNELL, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 5), page 1, line 13, by inserting before “A”: (a)

Amend Sec. 1 (Sec. 5), page 2, by inserting between lines 15 and 16:

(b) Notwithstanding subsection (a), when the Department of General Services is the contracting body, the department’s public contract may include a provision for the retainage of a portion of the amount due the contractor to insure the proper performance of the contract, except that the sum or sums withheld by the department from the contractor shall not exceed 6% of the then total estimates until 50% of the contract is satisfactorily completed. The sum or sums withheld by the department from the contractor after the contract is 50% satisfactorily completed shall not exceed 3% of the original contract amount.

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 O'CONNELL.

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 JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 242 (Pr. No. 2971) and HB 1650 (Pr. No. 2972) — Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 104 and HB 223 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 533 (Pr. No. 545) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 557 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 704 (Pr. No. 2408) — Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 752, 758, SB 793, 810, 844, 1024, HB 1040, SB 1046, 1091, 1119, 1120, 1159, HB 1196, 1200, SB 1234, 1279, 1281, 1283, 1284 and 1299 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL LAID ON THE TABLE

HB 1300 (Pr. No. 2899) — Upon motion of Senator JUBELIRER, and agreed to, the bill was laid on the table.

REMARKS BY MINORITY LEADER

Senator ZEMPRELLI. Mr. President, the purpose of my wishing to address the Chair of the Senate relates to the earlier agreed-to amendments of the gentleman from Luzerne, Senator O'Connell, to Senate Bill No. 1323. Through inadvertence I was advised that this had been agreed to and learned later that that was in error. We had not caucused at all on the substance of that amendment and at the proper time, Mr.

President, I would ask that the vote by which the amendments were agreed to be reconsidered and that the bill go over until the Democrats have an opportunity to caucus on the bill.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1302, 1309, 1315, 1324 and 1327 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1330 (Pr. No. 1718) — Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1331, 1335 and HB 1788 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

HB 1799 (Pr. No. 2977) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1812, 1813 and 1972 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SB 1323 CALLED UP

SB 1323 (Pr. No. 1662) — Without objection, the bill, which previously went over in its order, as amended, was called up, from page 3 of the Third Consideration Calendar, by Senator ZEMPRELLI.

RECONSIDERATION OF SB 1323

BILL OVER IN ORDER

SB 1323 (Pr. No. 1662) — Senator ZEMPRELLI. Mr. President, I move the vote by which the amendments of the gentleman from Luzerne, Senator O'Connell, were agreed to as amendments to Senate Bill No. 1323, Printer's No. 1662, on page 3 of today's Calendar, be reconsidered and, Mr. President, if affirmatively reconsidered, that the bill go over in its order, as unamended.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 1323 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 1323 will go over in its order.

HOUSE CONCURRENT RESOLUTION NO. 149, CALLED UP

Senator JUBELIRER, without objection, called up from page 11 of the Calendar, House Concurrent Resolution No. 149, entitled:

General Assembly memorialize President and Congress impose specialty steel import limitations under provisions of the Trade Act of 1974.

On the question,

Will the Senate concur in the resolution?

**HOUSE CONCURRENT RESOLUTION NO. 149
OVER IN ORDER**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 149.

On the question,

Will the Senate agree to the motion?

MOTION WITHDRAWN

Senator JUBELIRER. Mr. President, I have been requested by the Minority Leader to withdraw the motion to adopt House Concurrent Resolution No. 149 at this time and I have no problem with that and will request it go over so that those who want to speak on the resolution tomorrow will have the opportunity and will have the information they wish and be able to speak on the resolution.

Mr. President, with those remarks, I withdraw my motion and ask that the resolution go over in its order.

The PRESIDENT. Without objection, House Concurrent Resolution No. 149 will go over in its order.

UNFINISHED BUSINESS

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

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

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

March 1, 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 Aaron A. Gold, 1200 Ansley Avenue, Melrose 19126, Twelfth Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January, 1987, vice Hon. Paul McKinney, Philadelphia, whose term expired.

DICK THORNBURGH.

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

March 1, 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 Norwood Fleck, 1600 Bloom Road, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Donald M. Thomas, Danville, whose term expired.

DICK THORNBURGH.

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

March 1, 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 Sarah N. Vanderslice, 2838 Fiddlers Green, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Millersville State College, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Benjamin Weaver, Lancaster, deceased.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF MOTOR VEHICLE MANUFACTURERS,
DEALERS AND SALESMEN**

March 1, 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 Robert J. Habeeb (Motor Vehicle Salesman), 817 Griffin Pond Road, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until March 7, 1984, and until his successor is appointed and qualified.

DICK THORNBURGH.

STATE BOARD OF PHARMACY

March 2, 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 Maurice Mervis, 3236 Thirty-Seventh Street, Beaver Falls 15010, Beaver County, Forth-seventh Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, or until his successor is appointed and qualified, vice Joseph Cantor, Philadelphia, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF EXAMINERS OF PUBLIC ACCOUNTANTS**

March 1, 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 Ralph R. Chase, Sr., 180 Drakes Lane, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Examiners of Public Accountants, to serve for a term of four years, and until his successor is appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF EXAMINERS OF PUBLIC ACCOUNTANTS

March 1, 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 S. June Shreibman, 1900 J. F. Kennedy Boulevard, Apartment 708, Philadelphia 19103, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the State Board of Examiners of Public Accountants, to serve for a term of four years, and until her successor is appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES
OF SELINGSGROVE CENTER

February 23, 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 Ann I. Shadel, R. D. 1, Mount Pleasant Mills 17853, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1983, and until her successor is appointed and qualified, vice Robert A. Heimbach, M. D., resigned.

DICK THORNBURGH.
MEMBER OF THE JEFFERSON COUNTY
BOARD OF ASSISTANCE

March 1, 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 Pat Barber (Democrat), 148 Perry Street, Punxsutawney 15767, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Charles T. Alessie, Punxsutawney, whose term expired.

DICK THORNBURGH.
MEMBER OF THE PERRY COUNTY
BOARD OF ASSISTANCE

February 24, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James H. Gold (Republican), Post Office Box 185, Ickesburg 17037, Perry County, Thirty-third Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1983, to fill a new position.

DICK THORNBURGH.
MEMBER OF THE SULLIVAN COUNTY
BOARD OF ASSISTANCE

February 24, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John W. Potuck (Democrat), R. D. 1, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1982, and until his successor is duly appointed and qualified, vice Gerald McDonald, New Albany, whose term expired.

DICK THORNBURGH.
NOMINATIONS LAID ON THE TABLE

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

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

REPORTS FROM COMMITTEE

Senator MANBECK, from the Committee on Transportation, reported, as committed, **HB 794** and **1741**.

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

Senator CORMAN submitted the Report of Committee of Conference on **HB 418**, which was laid on the table.

RESOLUTION REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported without amendment, House Concurrent Resolution **No. 156**, entitled:

General Assembly extends congratulations to Republic of Italy for success in carrying out rescue of General James L. Dozier.

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

BILLS IN PLACE

Senator McKINNEY offered to the Chair two bills.
Senator MELLOW offered to the Chair a bill.

PERMISSION TO ADDRESS SENATE

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

Senator STOUT. Mr. President, earlier in this afternoon's Session, I was not on the floor when the vote was taken on Senate Bill No. 1015. I was meeting with a group of constituents. I would like the record to show if I were present, I would have voted in the affirmative on Senate Bill No. 1015.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jeanette Dunn, Reverend John J. Hilbert, Eddie Smart, Edward Susmarski and to the Erie Philharmonic Youth Orchestra by Senator Andrezeski.

Congratulations of the Senate were extended to Howard Hopkirk, Jeffrey King, Andrew Morrison, Chris Morrison, Mrs. Carrie Pieninck, John E. Tucker and to the Citizens of Concord Township by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel H. Carson, Mr. and Mrs. Richard Pokorski, Mr. and Mrs. Michael Rosella, Mr. and Mrs. Russell H. Schran and to Mr. and Mrs. Anthony Walan by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. James Buchanan, Mr. and Mr. Edwin Engerer, Mr. and Mrs. Fred E. Greiner, Jr., Mr. and Mrs. James L. Oravitz, Sr., Kurt Bortmess, Highlands Varsity Marching Band and to the Benedictine Sisters of Saint Benedict Academy by Senator Early.

Congratulations of the Senate were extended to Curtis David Copeland, Judge Samuel Strauss and to the Dormont Presbyterian Church by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Lester C. Tirett, Sr., Andro Branoff, Cy J. Rinsland and to Steven M. Semic by Senator Gekas.

Congratulations of the Senate were extended to Joseph F. McCabe, Jr. by Senator Greenleaf.

Congratulations of the Senate were extended to Michael Potochney by Senator Hager.

Congratulations of the Senate were extended to Horace W. Longacre, Raymond H. Miley, Jr., Robert L. Townsend and to the Mid-Atlantic Amateur Radio Club by Senator Holl.

Congratulations of the Senate were extended to Jere Knight by Senator Howard.

Congratulations of the Senate were extended to Mr. and Mrs. Dow L. Black, Mr. and Mrs. William E. Cremer, Mr. and Mrs. Paul Fleck, Mr. and Mrs. Robert William Kaylor, Mr. and Mrs. Charles McCray, Mr. and Mrs. Aaron Peachey, Mr. and Mrs. W. Earl Price, Mr. and Mrs. Crawford Sell, Mr. and George Stair, Mr. and Mrs. David Yeckley, Mirtie Watts and to the Altoona Area High School teachers by Senator Jubelirer.

Congratulations of the Senate were extended to Charles S. Shaffer and to Walter Skerski, Jr., by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Willis C. See by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. James M. Hoffman, Linda DeHaven Derr and to Helen R. Wallace by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Clinton Allen, Mr. and Mrs. Michael Benio, Mr. and Mrs. Philip Carbohn, Mr. and Mrs. Roy Coleman, Sr., Mr. and Mrs. Leo Crisci, Mr. and Mrs. Walter J. Gibbs, Mr. and Mrs. Raymond Harvey, Mr. and Mrs. Paul Morris, Mr. and Mrs. Frank H. Smith, Mr. and Mrs. Ivan Swendsen, Mr. and Mrs. Daniel B. Warner, Mr. and Mrs. Otto Winkler, Jr., Mrs. Matilda E. Beline, Jessie Coates, Mrs. Lester George, Mrs. Bridget T. Graham, Mrs. Mary Hasay, Ms. Ivy Kelly and to Mrs. Edyth Roper by Senator O'Connell.

Congratulations of the Senate were extended to Mme. Licia Albanese, Oliver Rosenberg and to the Borough of West Reading by Senator O'Pake.

Congratulations of the Senate were extended to Saint Joseph's Roman Catholic Church of Hazleton by Senators O'Pake and Murray.

Congratulations of the Senate were extended to Mr. and Mrs. Charles E. Biss, Mr. and Mrs. Edward Brenner, Mr. and Mrs. Joseph Caro, Mr. and Mrs. John J. Consiglio, Mr. and Mrs. Louis Stiles, Eithne Grace Hartnett and to Joseph Martinelli by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Oschmann, Mary Devereaux and to Boy Scout Troop 114 by Senator Price.

Congratulations of the Senate were extended to Hughetta E. Bender, Easton Knights of Columbus Council Number 345 and to Grover Cleveland Democratic Association of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to Wilbur A. "Cap" Bauchspies, Martin J. Purcell, Nevin F. Slusser and to the Reverend James A. Treston by Senator Rhoades.

Congratulations of the Senate were extended to The Pennsylvania Federation of Sportsmen's Clubs, Inc. by Senator Ross.

Congratulations of the Senate were extended to Steve Krawchyk by Senator Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Verd Clark, Ralph Luciani, John Maker, Ronald Smith and to the Reverend Raymond C. Boccardi by Senator Shaffer.

Congratulations of the Senate were extended to Mary "Mayme" C. Haws by Senator Singel.

Congratulations of the Senate were extended to Fulton Bank by Senator Snyder.

Congratulations of the Senate were extended to the Honorable Joseph F. Smith by Senator Stampone and others.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne Dinger, Mr. and Mrs. Francis Dixon, Mr. and Mrs. Lawrence W. Euchler, Mr. and Mrs. Del Foust, Mr. and Mrs. Burton R. Fox, Mr. and Mrs. Ward A. Rosenberger, Mr. and Mrs. Paul Stahlman, Mr. and Mrs. William Struk, Mrs. Mary Haslego and to Mrs. Hannah Slater by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. L. Todd Bullard, Mr. and Mrs. Clarence L. McKahan, Mr. and Mrs. John Wheatley, Lisa Elek, Arthur C. Sandusky and to Mr. Urbano Maffio by Senator Stout.

Congratulations of the Senate were extended to Walter G. Arader and to the Welsh Valley Business and Professional Women's Club of Narberth by Senator Tilghman.

Congratulations of the Senate were extended to the Greenville Rotary Club by Senator Wilt.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Vincent R. Leodori by Senator Fumo.

Condolences of the Senate were extended to the family of the late Nestor Chylak by Senator Mellow.

Condolences of the Senate were extended to the family of the late Russell E. Prata by Senator Pecora.

BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. 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 1194, 1253, 1297, HB 50, 794 and 1741.

And said bills having been considered for the first time,

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

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

PETITIONS AND REMONSTRANCES

Senator REIBMAN. Mr. President, I rise to express my concern over recent efforts by the Administration to stifle debate over public policy. I speak in particular of Education Secretary Scanlon's refusal to share public information with the Pennsylvania State Education Association and his threat to fire Department of Education employees who communicate with that association.

This is not the first instance in which the Secretary has attempted to gag his employees. We may remember an earlier effort to prohibit State college presidents from talking with Members of the General Assembly. That order has not been repealed.

Mr. President, I am alarmed about this emerging pattern of abuse of power and a blatant disregard for the constitutional principles of free speech and open debate. Secretary Scanlon has said that his action was in response to PSEA, in his opinion, deliberately misleading the public and alarming the education community about the Governor's proposed education block grant. If this is true, Mr. President, the appropriate response for the Secretary to take would be to correct the

PSEA so that the debate could continue on the merits of the proposal. The message implied by the Secretary's action is that those groups or individuals who oppose Administration policy will be denied access to the information necessary to make their argument.

The education block grant will affect the lives and the futures of over a quarter million Pennsylvanians. Those students, their parents and the taxpayers of the Commonwealth, as well as those of us here in the General Assembly, must make sure that this proposal is aired and openly debated. Refusing to share information with a participant in that debate serves no public purpose.

Some have argued that the Secretary's edict is related to PSEA's endorsement for Governor. I do not make that argument here today.

Secretary Scanlon has given no indication as to whether he is acting on his own or at the behest of a higher authority. If he is acting on his own, he has discredited the current Administration.

If he is acting at the direction of someone else, then the public is ill-served. Ultimately, the Governor is accountable for these acts. I am calling upon the Governor to repudiate and revoke Secretary Scanlon's edict. A failure to do so will be an indication of support for the Secretary's retaliatory act. A failure to rescind this order and end the harassment of public employees will only serve to stifle debate and the free flow of information. If there is merit to a proposal, it must be able to withstand the light of day.

In this connection, Mr. President, I will submit for the record a letter which I have addressed today, March 22, 1982, to Governor Thornburgh and I am also submitting for the record a copy of the editorial in the Harrisburg Patriot, Saturday, March 20, entitled, "Scanlon's Edict, A Pattern of Abuse of Power," and a copy of an editorial from the York Daily Record dated March 22, 1982, entitled, "Censoring education information."

(The following letter was made a part of the record at the request of the lady from Northampton, Senator REIBMAN:)

SENATE OF PENNSYLVANIA

March 22, 1982.

The Honorable Dick Thornburgh
Governor
Room 225, Main Capitol Building
Harrisburg, PA 17120

Dear Governor Thornburgh:

I am writing to protest Secretary Scanlon's threat to dismiss Education Department employees who communicate with the Pennsylvania State Education Association. Taken by itself, this threat concerns me. When one views it as the latest event in an emerging pattern of activities designed to stifle debate and free flow of information, I am frankly alarmed.

I want to believe the Secretary when he says that this "gag order" is not related to the PSEA endorsement of Allen Ertel. I want to believe that you would not condone such retribution. Secretary Scanlon insists that his edict is a response to what he has termed PSEA's effort to "deliberately mislead the public and alarm the education community" about the proposed education block grant. If this were the case, it would seem to me that the Secretary would want to make every effort to provide PSEA with

the correct information. It is debatable, in my mind, as to who is trying to mislead whom relative to the block grant proposal.

Regardless of the motive for the gag order, the result is reprehensible. It smacks of an "enemies list" mentality designed to exact retribution on those who oppose administration policy. This runs counter to a basic tenet of our political system, namely free speech and open debate.

As the minority chair of the Senate Education Committee, I am deeply concerned that all participants to the debate over the proposed education block grant have access to correct information.

Public policy is poorly served if the Department of Education attempts to manage the facts. If we are to make the significant changes you have offered, everyone must have access to the necessary information. Decisions which will affect the lives and the futures of over a quarter of a million Pennsylvanians cannot be made when your administration "gags" its employees and manages the flow of facts.

I call on you to repudiate and rescind the gag order on Education Department employees and reopen communications with the entire education community.

Sincerely,

JEANETTE F. REIBMAN
State Senator

(The following editorials were made a part of the record at the request of the lady from Northampton, Senator REIBMAN:)

The Patriot, Harrisburg, Pa.
Saturday, March 20, 1982

Scanlon's Edict A Pattern of Abuse of Power

There probably has not been a secretary of the state Department of Education more instructive than Robert Scanlon. If you've ever wondered what it might be like if the Constitution was suspended and First Amendment rights were cast in the trash can, let Secretary Scanlon demonstrate how it is done. He's getting real good at it.

Having told the presidents of the state colleges some months ago that they will not deviate from the administration line when testifying before the state Legislature, Scanlon has expanded his edict to muzzle his entire department. Talk to the hated Pennsylvania State Education Association, Scanlon told his employees, and it will cost you your job.

Education department employees may have access to "state secrets," but there never has been any indication their release posed a danger to the Republic. Rather they seem to pose a danger to the Thornburgh administration, or at least that appears to be the administration's fear.

At the root of this absurdity is the unconcealed hostility between the administration and PSEA, which came to a head last year when the teachers' union charged that Governor Thornburgh reneged on his campaign promise to increase the state's share of public education funding to 50 percent. For former political allies it has been downhill ever since, reaching a peak (or a low-point, depending on where you stand) when PSEA endorsed Thornburgh's election opponent, Allen Ertel, last week.

Denying the endorsement of Ertel had anything to do with the gag order, Scanlon said his action was in response to the PSEA using education department data to 'deliberately mislead the public and alarm the education community' about the governor's proposed education block grant. If that be true, one would expect that the appropriate response would be to demonstrate where and how the PSEA was misleading the public, rather than elevate the administration's pique with PSEA into an incident that exposes Scanlon's and the administration's lack of respect for the right of free speech.

As ridiculous as this sorry episode is, it cannot be dismissed on the grounds of pure stupidity. Telling college presidents what they can and cannot say, and ordering the employees of an entire government department to stop conversing with a group the administration doesn't like are serious matters. There is the beginning here of a pattern of flagrant abuse of power and a disregard for basic constitutional guarantees which must be stopped before it spreads.

We have voiced our repugnance in the past at the PSEA's illusions of controlling the electorate and their low-level attack on the governor, but we like the administration's response to PSEA even less. It is unworthy of a Commonwealth education secretary, and unworthy of the governor who permits it to continue.

York Daily Record
Monday, March 22, 1982

Censoring education information

Stop talking to the Pennsylvania State Education Association or lose your jobs, state Education Secretary Robert Scanlon, baldly commands department employees.

The edict is a malicious and, fortunately, probably fruitless attempt at imposing censorship. It's inconceivable that such an attempt would be made in a democracy by a subordinate official without the approval of the state's top public servant, Gov. Thornburgh.

In a democracy, one function of the bureaucracy is to supply information to the public. The PSEA, which is the teachers' union, is a part of the public, and therefore has a right to information the bureaucracy should purvey.

If that information is detrimental to the administration in power, so be it. The allegiance of a bureaucracy should be to the people, not to an administration. For this reason, some department workers will and should continue giving information, albeit secretly, to the PSEA.

Scanlon says he didn't issue his decree because the PSEA, which worked for the election of Thornburgh in 1978, this year endorses Congressman Allen Ertel, who is most likely to be Thornburgh's Democratic opponent in the gubernatorial election. Scanlon postures. He wouldn't try to put a freeze on PSEA if it had remained loyal to Thornburgh.

PSEA's desertion of Thornburgh resulted partially from information on school subsidies which the association received from department workers. The information, PSEA insists, shows that under the governor's proposed education block grants, 71 school districts will get a total of \$14 million less in state aid in the 1982-83 school year than they did this school year.

Scanlon condemns PSEA's statement as a "misuse" of information, and asserts that this is the reason for his no-talk order.

"Misuse?"

PSEA says 11 of the 15 school districts in York County will lose about \$1.2 million under Thornburgh's plan. The Education Department says York County school districts will gain \$3 million.

Only one York County district has issued its findings. Southern York County School District says Thornburgh's plan will cost it \$146,000. PSEA had placed the cost to Southern at \$115,000.

The Thornburgh administration's discomfiture becomes understandable. Its censorship is unacceptable.

Senator FUMO. Mr. President, I rise today to speak on a recent request which I made to the gentleman from Warren, Senator Kusse, today for an investigation by the Senate Committee on Labor and Industry of reports that the State Department of Labor and Industry has been tampering with facts concerning Pennsylvania's unemployment picture.

Specifically, I want the Senate committee to call on Labor and Industry Secretary Barry Stern to determine how much his public relations office has twisted reports by the department's regional labor market analysts before making them public. Apparently, this practice began when Secretary Stern took charge of his department.

My request, Mr. President, stems from a story in this Sunday's Philadelphia Inquirer that the department has instructed its labor analysts to omit references to plant closings in their reports. They were told according to the Inquirer not to deal directly with the media on pain of being fired. Further, the department's public relations office apparently is deleting significant statistics from the unemployment reports, statistics such as how the percentage of unemployment compares with previous years or with other States.

In short, Mr. President, the story in the Inquirer seems to indicate that the department has been muzzled so that a corps of the Governor's public relations people can put a smiling face on the State's economic situation. It would appear that the Governor does not want to damage his reelection chances by giving the people of Pennsylvania a true and significant picture of what is happening to our economy.

I also want the Senate Committee on Labor and Industry to determine the department's sense of priorities in its plans to fire nearly 500 job training employees next month and to lay off an undetermined number of employees in the office of economic security over the next few months.

I find it absolutely astounding that with Pennsylvania staggering under a double digit unemployment rate, perhaps the second highest in the Nation, though I cannot be sure because the department omits these comparisons, I find it incredible that our Governor and his Administration respond with cover-ups and massive cutbacks in the State's job training and job referral services.

The planned cutbacks, Mr. President, include firing some 253 employees from the State Work Incentive Program which helps welfare recipients find jobs and the firing of 218 vocational rehabilitation employees, the people who train the handicapped for jobs.

I know the Governor is blaming these cutbacks on the loss of Federal funding. I also know the Governor is a leading advocate of President Reagan's economic policies which includes scuttling funds for human services. Therefore, Mr. President, it baffles me how the Governor can acknowledge being shortchanged on Federal funds for job training and yet continually applaud Reaganomics.

Mr. President, this legislative Body should know the true facts of the State's economy with no punches pulled, if we are to deliberate effectively on possible legislative solutions. I want to know, for example, if the 14.4 per cent unemployment figure for Lycoming County in January is a chronic situation or a phenomenon of this recession. Only accurate comparisons with previous years can give us a clue. Such information will not only be of value to my colleague from Lycoming County but also to the rest of us as well in assessing the situation in our districts.

Despite the alleged fudging by the Labor Department, the disturbing news of our faltering economy does trickle down to us. There is no hiding massive layoffs occurring at U. S. Steel Corporation's Fairless Works. I understand the work force is down to 3,500, fewer than half of the 8,300 workers who were employed at the plant.

There is no hiding the 2,500 Sun Ship Company employees in Chester who have lost their jobs. There is no hiding the opening of the Nation's first soup lines since the depression in Chester.

Mr. President, the solution to the economic disaster that is obviously befalling our Commonwealth is not to hide it with slogans and carefully edited press relations reports. We must know the facts as accurately as we can so that we, the Legislature, in cooperation with the Governor, can deal with them effectively. If we must invest in job training programs, then let us do so. Surely there are priorities in our budget that can be shifted if that is what we need.

A starting point, Mr. President, is to seek answers immediately from Secretary Stern on the accuracy of his department's job situation reports. I would also like his explanation of the wisdom of firing job training and job referral employees at a time when Pennsylvania needs these employees the most.

Senator KUSSE. Mr. President, the former speaker refers to some of the handling of publicity on the part of the Pennsylvania Department of Labor and Industry. He also refers to a letter he has written to me requesting a meeting of the committee at which we would invite the Secretary to testify. Unfortunately, I have not seen that letter yet, but I look forward to reading it.

Mr. President, I would like to comment a little bit on the Department of Labor and Industry's policy on the handling of labor market area news letters because their policy has been to improve the quality and clarity of these letters and to speed up rather than slow down their delivery to the local news media and other interested parties.

In the past there was a wide disparity between the volume of materials supplied in various areas of the State; one area could get minimal information, another might get volumes of information.

Since these employment and earnings data are very complicated, a helter-skelter release of it could lead to widely varying interpretations and I fear that is what has happened in this instance.

No changes were ever made in the numbers in these letters. The local unemployment rates are not generated locally. They emanate from the U.S. Labor Department through the Labor and Industry Department in Harrisburg and they are simply released through the labor market analysts.

The analysts have been asked to refrain from making predictions about future employment trends. These are viewed as nothing more than guesses. Learned economists, with far more sophisticated backgrounds than the labor market analysts, have been wrong in the past about the economy. Our goal is not to speculate about the future but to report clearly about what has happened to local employment and to explain why it has happened.

Senator SINGEL. Mr. President, I appreciate the comments from the Chairman of the Committee on Labor and Industry and I also commend him on his efforts to rationalize the statements and the actions that are being taken by the Department of Labor and Industry. With all due respect to the gentleman, however, I do not buy it.

One of the comments that is made in the article referred to by the gentleman from Philadelphia, Senator Fumo, by the press officer is we are only doing this to improve the grammar and the clarity of the releases. It seems that improving the grammar and the clarity of the releases includes eliminating this reference to the job picture in the Philadelphia area. The decline of 18,900 wage and salaried jobs in Philadelphia since last January includes a clear reference to the recessionary posture of the present economy. It seems to me that goes well beyond clarifying the intent and the job picture in the job market in Pennsylvania today. In the same article, I was equally disturbed to read that a January 28th release from the Johnstown office of the Department of Labor and Industry suggests that when the national economy rebounds, Johnstown will be poised for an upswing. The report cited a multi-million dollar project at the U.S. Steel plant in Moxham and plans by Bethlehem Steel to reopen its Johnstown plant.

As one of the people in the Johnstown area most concerned with economic development that, of course, should be greeted as good news but the reality of the situation is, we have 18.7 per cent unemployment in Johnstown right now.

Bethlehem Steel has seven miles of steelmaking capacity; less than one-tenth of that steelmaking capacity is in use at the present time. Recent meetings with steel officials indicate that yet further decline is anticipated rather than any kind of an upsurge in the next couple of months.

The U.S. Steel revisions and mechanizations that are referred to in the article refer to a new type of technology that is being introduced in the steelmaking process at the U.S. Steel plant. While in the long term it may put them in a more competitive stance, in the short term it is guaranteeing that we are going to lose even more of a complement from that plant. What we need in Johnstown right now is help. We do not need platitudes or projections issued by public relations flacks who wear rose-colored glasses. If we really want to improve the job picture in Pennsylvania and in the Johnstown area it seems to me we have to start investing in job creating opportunities, start putting our money where our mouth is and let us start providing incentives for the steel and the coal industry. Let us not waste millions of dollars on senseless public relations gimmickry.

Senator LINCOLN. Mr. President, a few minutes ago the lady from Northampton, Senator Reibman, spoke relative to a situation that has developed over the last few days between the Secretary of Education and his position as far as defending the Administration in certain actions relative to getting information.

I think sometimes here in the Harrisburg scene we kind of lose sight of the fact that there are people that are affected by those types of decisions. There has been a lot of fear, a lot of concern over the budget proposed by the Governor as far as education is concerned.

I received a letter today from the superintendent of the Southmoreland School District which is located in Fayette and Westmoreland Counties. I would like to read that letter just so we here dealing with this problem can have a better perspective of just how our actions affect people out in the hinterlands. The letter is dated March 19th and it is:

“Dear Senator Lincoln:

“As I continue to work on the Southmoreland School District budget for the 1982-83 school year it becomes more frustrating. The frustration is due to the block grants as proposed. Let me explain:

“The Southmoreland School District had a thirty-nine day strike last year, 1980-81. Eleven days could not be made up. Therefore, we will not receive full subsidy since block grants for 1982-83 are based on 1980-81 subsidy received by the district, our block grant will be less due to the strike. There will be no advance funding by the State for vocational education and special education. This means that the school district is required to finance both these programs twice in the first year of block grants. We will pay for the 1982-83 operation during the 1982-83 school year and then also have the cost deducted from our State subsidy for the 1981-82 school year in June of 1983. This calculates out to two years costs in one school year.

“We move on to retirement and social security payments are now made by and the responsibility of the State. Under the proposed block grant system the State will send this to the district who in turn will send it to the retirement system. Again this is based on the 1981-82 salaries. Since the district must keep current, already we had to advance moneys for this. Each teacher in this district gets a \$1,900 raise and we must pay the State share of retirement and social security on this due to the State figure being based on the previous year's salary. Both retirement and social security rates are maximums or will be increased for 1982-83 which will now be the responsibility of the district to advance.

“The Southmoreland School District is also, at this point, planning on renovating several schools. If rental payments are to be included in block grants we might as well forget this program. I am not opposed to the concept of block grants but the proposed method will be disastrous to school districts while making the Governor look good in that he did not raise taxes in this election year. What he has basically done is put a freeze on what would be spent by the State through backing up the amount of payments one year. The money which normally would have been spent this year will be paid at last year's rates. This difference then is to be made up by the districts. Naturally local taxes must go up more than normal. Then the Governor has the audacity to say that the Southmoreland School District will receive an additional \$241,000 but neglects to point out that the aforementioned additional obligations far, far exceed the additional moneys.

“I believe you probably have by now concluded my dissatisfaction with block grants as proposed and I ask for your support to vote against this proposal by the Governor. I realize it is sometimes difficult to totally express one's feelings and thoughts in writing, and therefore I am willing to discuss the contents of this letter by phone or in person.”

Mr. President, I want to tell the Members, this is not something that is a partisan issue. Every one of us that serve in this Body represent school districts, teachers, parents, children, the whole bit and I guarantee with this letter I can take the heading off of it and give it to about seventy-five per cent of the school districts in Pennsylvania and their concerns and their problems would be the same.

Mr. President, I think it is unfair what we do sometimes with proposals. We cause more confusion, we have more people out there trying to write budgets right now and they have no idea what we are going to do and the worse thing they fear is that we do what the Governor proposed. I think we all should think about that and not worry about whether the Secretary of Education is going to fire people because he gives somebody information. This is much more important, believe me.

Senator LEWIS. Mr. President, it seems to be coincidental that the subject of remarks by many of my colleagues happens to cover the area of information and the delivery of information.

A few weeks ago I surveyed the cabinet and agency heads of State government relative to the public relations expenditures of their departments. Today I want to report to the full Senate on the findings of that survey. In so doing I have to acknowledge from the start that public relations activities are considerably more difficult to differentiate than Shakespeare's rose, because where a rose is a rose is a rose, one man's public relations is another man's public information. One person's press relations is another's press management. There is no stark line between legitimate communications and questionable propaganda.

Certain facts, however, are indisputable. These are the facts as we know them as of this moment:

The cost of providing public relations and public information services by the Executive Branch of State Government is a \$5 million a year enterprise and it is growing.

The public relations-public information costs for the departments and agencies under the Executive Branch will increase by eleven per cent in the forthcoming fiscal year under the budget submitted a month ago, rising from about \$4.3 million to about \$4.8 million annually.

This excludes, however, a number of nonapplicable agencies delineated in the Governor's budget documents, such as the Fish and Game Commission, the Liquor Control Board and the Public Utility Commission. If these costs were included, the expenditure would rise from \$4.6 million to \$5.2 million annually, still in the eleven per cent range as far as an increase is concerned.

There are 143 filled positions in the Executive Departments and agencies. The current base payroll of these positions totals just a touch more than \$2.8 million, exclusive of benefits. With benefits factored in the equation, the personnel cost of this payroll jumps to more than \$3.8 million. If this same payroll were carried over at current levels into the new fiscal year, the personnel costs would total in excess of \$4 million; \$2.8 million in the base payroll; \$1 million in benefit cost; and nearly \$225,000 in salary increases reflected by the increment that is to take effect on July 1st.

Of the 143 filled positions, 53 are tenured with civil service protection and the base payroll of those positions is slightly more than \$1 million. Of those tenured positions thirty-one occur in three major departments, twelve of them in Transportation, ten in Public Welfare and nine in Education, amounting to nearly fifty-six per cent of the tenured payroll.

Of the ninety nontenured positions, fifty-eight were filled after January, 1979, the inauguration of this Administration and the current base salary level of those positions now totals nearly \$1.3 million.

The public relations-public information increases recommended in the current budget range from a high of fifty-three per cent in the Department of Education, most of that attributed to staffing and equipment for a newly updated television studio in the department to a low of a minus four per cent in the Department of Revenue.

The most modest increases were projected for the Department of Health, up only \$5,000 or three per cent; and the Department of Environmental Resources, up only \$6,000 or 2.8 per cent.

More than modest increases were proposed for the Department of Labor and Industry and Community Affairs. Labor and Industry is seeking a thirty-three per cent increase in its PR costs and DCA is requesting a twenty per cent increase for its expenditures in those areas.

Finally, Mr. President, the proposed expenditures for the Governor's Press Office and the major Executive offices, such as the Office of the Budget will remain virtually at the same level as last year, somewhere in the neighborhood of about \$800,000.

These are the facts as we found them from the material provided us by the Secretary of Budget and Administration following his appearance before the Senate Appropriations Committee about two weeks ago. These are the raw, unadulterated, unaltered facts as we know them to be. The Senate and the people we represent are entitled to know them and share them as well.

I cannot, as you might expect, conclude on that note alone.

There are a few pertinent observations that I am compelled to make on what those facts mean to me. I begin by emphasizing that I do not for a moment believe that every tax dollar spent on public information and communications activity is a dollar wasted or a dollar misapplied for political purposes. To the contrary, public information plays a vital role in the process of State government. It is an appropriate expenditure for the Executive Branch. It is an appropriate and necessary expenditure for the Legislative Branch. The figures show that the Executive Branch will spend approximately \$5 million in the new fiscal year on communications activities. This Senate, according to my information, will spend approximately \$300,000 combined on the same activities by the Majority and Minority caucuses. There is nothing necessarily wrong with any of that. Where we have to attempt to draw the line is where press relations becomes press management; where imagery takes on a higher focus than substance; where there is reason to challenge the justification for certain expenditures.

If we need 143 people to buffer persons of authority from direct contact with the public and the media, such as we heard expressed here today by my colleagues, then I suggest that is a wrong policy to pursue.

If, as we learned in the Philadelphia Inquirer this weekend, the chief function of our public relations and public information offices is to sanitize sensitive documents, such as the monthly economic and unemployment rates and reports of the Department of Labor and Industry before making them public, then I suggest we distort and subvert the true and relevant functions of these operations. If these reports are summarily altered to soft pedal or ignore the harsh realities of these economic times, then I suggest we are peddling propaganda rather than disseminating facts.

If economic analysts or others are under departmental orders to clear responses in advance with the Harrisburg Central Public Relations Office before answering questions from the media, then I suggest we are dealing in the management of information rather than the dissemination of it.

When so aptly noted by John Taylor of the Pittsburgh Press on the 14th of this month, the image makers command higher compensation than program administrators, then we should wonder if we are more worried about how government looks than how it works. In that context I cannot help but wonder why the Governor's Office finds it necessary to spend \$100,000 a year more in paying its public relations personnel than it does in paying its legislative program and policy staff.

Mr. President, I just cannot understand why it costs that much more to tell the people of this State what this Administration proposes to do rather than what it actually does and goes ahead with.

Mr. President, I wonder about the priorities of an Administration that employs twice as many people to dump its policies than it employs to identify, to research, to formulate, to initiate and to implement them. Moreover, I am simply appalled at the intention of the Governor's Office of General Counsel to employ a \$33,200 public relations information specialist to service the information needs of the Governor's lawyer.

I have spoken on this floor before about the bloated bureaucracy and the generous salary levels—\$107,000 above State minimums—now in place in the General Counsel's Office. To bloat this bureaucracy even further with a public relations agent is a gross example of misplaced priorities.

There are other questions that come to mind. What is there to justify a thirty-three per cent increase in the public relations budget of the Department of Labor and Industry or a twenty per cent increase in the public relations budget for the Department of Community Affairs? Why is it necessary to spend \$1 million a year in public relations information activities in the Department of Transportation? These are some of the questions which arise most prominently from the review of public relations expenditures provided to us. But on a larger front, this was a good exercise for us to undertake, because for the first time we have a benchmark on public relations costs in State government and from this point forward we now have a base from which to make intelligent and sound comparisons in the future. That is an important achievement in and of

itself and augers well I believe for the budgetary process of this Senate in the years ahead.

I recognize the request we made some weeks ago of the cabinet officers and agency heads placed some demands on the time and the functions of their staff. I truly appreciate the efforts of the Secretary of Budget and Administration in stepping in to serve as a clearing house and central dissemination point for the information I sought. I appreciate his timely and forthright delivery of the material. I should only point out that the request we made with regard to public relations costs is not all that different, if it is different at all, from the request I made eight months ago in the cost of legal counsel to the Commonwealth. My experience with the public relations information is conclusive proof that this type of material can be furnished in a timely, coordinated and complete fashion without unduly burdening the sources.

Information on who provides legal services to the State and at what cost is as much in the public domain as it is the information about who provides us with public relations or public information services. The only person who fails to grasp the consistency on that argument it appears is the General Counsel himself. I urge him, in light of this experience, to reconsider his position and rescind the gag order which prevents the cabinet and agency heads from responding to our inquiries of last August and September relating to lawyers in the service of this State.

It is really not that difficult or time consuming as this case about public relations information so vividly demonstrates. The principal obstacle has been and continues to be the willingness on the part of the General Counsel to get the job done.

Senator JUBELIRER. Mr. President, I have listened with great interest and certainly tried to pay attention as well as I could to all the previous speakers including the distinguished gentleman from Bucks County who gives us a great deal of information. I hope the gentleman's information is more accurate than his source of a rose is a rose is a rose. It was not William Shakespeare, it was Gertrude Stein who wrote it in 1913. I am sure, and hope that the gentleman would have done a little better research on some of the other things he said than his source of William Shakespeare.

With that bit of levity and accuracy out of the way, Mr. President, after reapportionment, I find we are now beginning the "Kick the Thornburgh Administration Week" and I suppose that will be continuing to November 2, 1982. I would expect that would be the posture of a Minority who wishes to oust the current Administration and provide the people with all the bright things that a new Administration could promise.

Mr. President, these are difficult times for all of us, the Majority and the Minority, and it really makes no difference. We are Pennsylvanians and we are Americans. We have been under what has been referred to as Reaganomics for the enormous length of time of five and a half months, and I suppose it is to the glee of the Minority at both the National level and the State level that we still remain in a recession, wanting to blame the Majority and the President's party and the Majority Party in this Commonwealth for all the ills that befall the people of Pennsylvania and this country.

Mr. President, as I said, I listened intently, and as I listened to all the speakers I missed the solution. As I have listened nationally, I listen here on a statewide basis to my good colleagues and yet I have not heard what they propose to do. What is the plan for the future that has been espoused by the previous speakers? I heard none. It is easy to criticize, Mr. President, but I think there is a responsibility to offer constructive solutions. I have heard for over a year now that we are not funding State government adequately, yet there is nothing to stop any Member of the Democratic Party or the Minority Party in the Senate or the House from introducing a bill to increase taxes, to take this terrible burden off the people of Pennsylvania that is befalling them on a local level.

Mr. President, I think the Governor of this Commonwealth has done an outstanding job over these past several years, and I suppose there will be those who say that that is what I am expected to say. I think in this election year the record of the Thornburgh Administration will certainly be as open to scrutiny and to criticism and to praise as it could possibly be because that is our system of government. Thank God we do have an open and free society. We have elections every four years and certainly the record of this Administration is one the Governor and the Administration must run on and be prepared to defend at any possible cost.

Mr. President, as I say, I do expect I will be hearing as the days go on and as we get closer to the November election—we are some eight months away—that criticism will intensify. As Governor Thornburgh has in his State of the Commonwealth message not too long ago offered what he feels and this Administration proposes to this General Assembly as potential working solutions to difficult problems, we hope and we pray that the economy of this country does indeed work.

I listened with intent to a very distinguished news commentator, Paul Harvey, and I think he hit the nail on the head when he said that as the Reagan plan for the recovery of our economy goes forth, Republicans are scared to death that it will not work and they are retrenching and fearing what the budget might do; and Democrats are fearing that it might work and they are concerned that it might work. I suppose, as a result, there is a certain fear by either party as to what goes on.

The sins of the past certainly have been visited upon us. I do not think it is inappropriate to say as we talk in this election year, a partisan election year, certainly it was not the situation in the last five months that created the problem. The medicine is difficult as can be.

I remember very well in 1976 as President Carter campaigned on what he did to the bureaucracy in the State of Georgia, as how he was going to attack the bureaucracy of these United States, and as only one President has done, to cut back on that budget, and the only President to keep his promise in recent times so quickly, this President has done so.

Mr. President, I would suggest we may not always like what happens; we are in a free society and we are grateful for that. I would hope that as inflation has gone down significantly as to what it was under the Shapp and Carter years and I know my friend across the aisle would be disappointed if I did not

mention his Governor and my Governor from the 1970's. He always reminds me that I do that too often, but I remember very well how State government was bloated, inflated with the patronage employees and how this Governor has cut that back and reminded that only recently the Secretary of Transportation, the Pennsylvanian, not the Republican or the Thornburgh Secretary, but as a Pennsylvania Secretary of Transportation was honored as the outstanding Secretary of Transportation in these United States. Now every Pennsylvanian should be proud as we will remember that that was not always the situation in this Commonwealth. Things have gotten better in many ways. This economy is the focus of everybody and the hope of everybody as inflation goes down. As to the job situation, and sitting in a district with the number one unemployment in Pennsylvania, I know full well how difficult it is for people when they do not have a job.

Mr. President, I hope we can, even in an election year, join together for solutions. Criticism is fine, it is right and proper in a free society but by the same token, Mr. President, I think coming to common solutions and compromise even though we may not agree on the manner in which we shall do it, I think it is the appropriate way for us to join together as Americans and as Pennsylvanians. I think everybody's prayers and hopes should be that everybody who wants a job should have the opportunity to have it and those who are bearing the difficult times of doing without, rightfully should be helped by those who can. We must do that in a certain manner as well and perhaps the Minority Party might choose to do it in a different way than we do it, but by the same token at least we have this open forum on the way to do it.

So as we kick off "Kick the Thornburgh Administration Week," Mr. President, I do hope we will hear some more constructive things in the future.

Senator ZEMPRELLI. Mr. President, I listened to the remarks of the Majority Leader and I wish to assure him that he is going to hear a lot more because we believe it is germane.

Let me suggest one other thing to the Majority Leader and others who may be listening. From what I understand of the situation it really does not make any difference whether the Reaganomics or the new federalism works. The programming has been so badly devised that the fallout on the State of Pennsylvania is absolutely unbelievable. I am suggesting to the gentleman as he knows from Phase 2 of new federalism they are looking to return forty-three programs to this Commonwealth, basically social programs. As the gentleman well knows, we are down \$152 million in this fiscal period and we are looking to a great deal more money in the next fiscal period. Beginning in 1984 it is going to be catastrophic.

Mr. President, we are the second highest State in unemployment, above eleven per cent and in some parts it is as bad as twenty-eight per cent. The point I make is we all hope the economy turns around.

The second aspect of that is, even if the economy does turn around, we are not getting the kinds of moneys that we should be getting from the Federal government. We stand alone in that regard as if we are being prejudiced because other States are hopeful that government gets off their back and they are

anxious for the programs that are advanced by the Federal government to become the law of this land simply because they have the wherewithal within their own determination and boundaries of the State to cope with these problems and simply because we do not have that capability. Instead of cloning the very programs at the Federal level that this Governor is cloning, and that cannot be denied, and passing the buck down to the local level where the rich get richer and the poor get poorer, depending upon their ability to handle the programs before them and being down in Washington and fighting for more money for this State, the simple truth is, it is not happening. That is where the crunch is going to come. That is the kind of things that are happening in higher education where they are getting the double barreled effect, not only the loss of Federal funds to educate our people, the kind of people that need to be educated, but we are also getting the loss of funds by the impact upon those programs that we are going to have to prioritize and finally sift out because we are not getting the money.

Mr. President, that is where the crunch is and I repeat and I conclude where I started, that is, it really does not make any difference in the final analysis whether new federalism works or not. We are not getting the money and we are getting the programs back and therein lies the crunch.

GENERAL COMMUNICATION

ADMINISTRATIVE RULES REPORT NO. 2 OF 1982

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
Bureau of Professional and
Occupational Affairs
Harrisburg, Pa.

March 1, 1982

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

Dear Senator Hager:

Please find enclosed a copy of a regulation proposed by the State Board of Physical Therapy Examiners which provides that the total fees for the licensure examination shall be \$75. Fees of this nature are specifically authorized by Section 812.1(b) of the Administrative Code of 1929, the Act of April 9, 1929 (P.L. 177, No. 175), as amended by the Act of October 8, 1980, No. 1980-146.

As required by Section 812.2 of the aforesaid Act, I am submitting this regulation for referral to and review by the appropriate standing committee of the Senate. It is respectfully requested that the standing committee consider this matter at its earliest convenience. This regulation must be finally adopted prior to the examination scheduled for June, 1982, in order for the Board to avoid any adverse fiscal impact. When the Senate has completed its review, it is further respectfully requested that the document be returned to my office at Room 618, Transportation and Safety Building, Harrisburg, PA 17120.

As always, your consideration in this matter is greatly appreciated.

Sincerely,
MARY S. WYATTE,
Counsel
State Board of Physical
Therapy Examiners

ADMINISTRATIVE RULES REPORT NO. 2 OF 1982

Section 1. Under the authority of section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the State Board of Physical Therapy Examiners proposed a regulation establishing a fee for applications and examinations for licensure.

Section 2. Upon the approval of this regulation by the General Assembly by affirmative action or failure to act pursuant to the provisions of section 812.2 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955," the State Board of Physical Therapy Examiners may promulgate it as a final regulation in the manner provided by law.

(Editorial Note: Final action on this report must occur within 60 calendar days or ten legislative days following its date of transmittal to the General Assembly, whichever is later)

§ 40.15. Examination regulations.

(a) Application blanks for admission to the examination shall be obtained from the State Board of Physical Therapy Examiners, Bureau of Professional and Occupational Affairs, P.O. Box 2649, Harrisburg, Pennsylvania 17120. A fee of [\$50, in the form of a certified check or money order made payable to the Commonwealth of Pennsylvania - PT,] \$75 must accompany each application. This fee includes \$50 for the application for licensure required by section 5 of the act, (63 P.S. § 1305) and \$25 to cover additional expenses incurred for the administration and cost of the examination.

* * *

The PRESIDENT pro tempore. This report will be referred to the Committee on Consumer Protection and Professional Licensure and will appear on the Calendar as Administrative Rules Report No. 2 of 1982.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 23, 1982

11:00 A.M.	BANKING AND INSURANCE	Room 460,
	(to consider Senate Bill	4th Floor
	No. 1270; House Bills	Conference Rm.,
	No. 1739 and 2036)	North Wing

11:00 A.M. LOCAL GOVERNMENT (to Room 461,
consider Senate Bills 4th Floor
No. 526, 527, 528, 774) Conference Rm.,
North Wing

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 4th Floor
Bills No. 320, 388, 515, Conference Rm.,
1125, 1126 and 1340) North Wing

TUESDAY, MARCH 30, 1982

9:30 A.M. ENVIRONMENTAL Room 459,
RESOURCES AND ENERGY 4th Floor
(to consider Senate Conference Rm.,
Bill No. 1210; Senate North Wing
Resolution No. 226;
House Bills No. 154,
936, 1079 and 1943)

WEDNESDAY, MARCH 31, 1982

10:30 A.M. PUBLIC EMPLOYEE Room 460,
to RETIREMENT STUDY 4th Floor
2:00 P.M. COMMISSION Conference Rm.,
North Wing

MONDAY, APRIL 26, 1982

9:30 A.M. SENATE JUDICIARY Room 156,
AND HOUSE JUDICIARY House Majority
(Public Hearing for Caucus Room
the purpose of receiving
the 1982 Annual Report
of the Pennsylvania
Crime Commission)

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, March 23, 1982, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:50 p.m., Eastern Standard Time.