

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

Recess Adjournment.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 444**.

BILL SIGNED

The President pro tempore (Martin L. Murray) in the presence of the Senate signed the following bill:

HB 444.

REPORTS FROM COMMITTEE

Senator CIANFRANI, by unanimous consent, from the Committee on Appropriations, reported, as committed **HB 880** and **881**.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 128 (Pr. No. 141) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Bell,	Hess,	Mellow,	Scanlon,
Cianfrani,	Hill,	Messinger,	Schaefer,
Coppersmith,	Holl,	Moore,	Smith,
Dougherty,	Hopper,	Murray,	Snyder,
Duffield,	Howard,	Nolan,	Stapleton,
Dwyer,	Jubelirer,	Noszka,	Stauffer,
Early,	Kelley,	O'Pake,	Sweeney,
Flashing,	Kury,	Orlando,	Tilghman,
Gottas,	Lewis,	Reibman,	Wood,
Mosenda,	Lynch,		

NAYS—0

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

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

BILLS OVER IN ORDER

HB 194 and **249** — Without objection, the bills were passed in their order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 280 (Pr. No. 282) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Dwyer.

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

Senator DWYER. I will, Mr. President.

Senator KELLEY. Mr. President, directing the gentleman's attention to page 1, line 18, where it refers to two-thirds of the members elected to the Senate. Would the gentleman kindly interpret that meaning of two-thirds? Is it two-thirds of those Members who are eligible and sitting? For instance, now we have three vacancies. Or, does this represent the absolute number of elected districts numbered fifty always being the permanent number from which to determine the two-thirds?

Senator DWYER. Mr. President, that is the current constitutional provision and is subject to whatever the current Attorney General's opinion is regarding what two-thirds of elected means.

Senator KELLEY. Mr. President, I am desirous of establishing some good legislative history that may be persuasive upon the courts whose opinion may be different from the Attorney General, being elected or appointed. I am wondering if the gentleman, as the author of this resolution, would care to enlighten the annals of permanent legislative history of the Commonwealth and directly respond to the question?

Senator DWYER. Mr. President, the purpose of this amendment is not directed at all to two-thirds. The purpose of the amendment is to correct an error, an inconsistency in the State Constitution which resulted from the 1967-1968 Constitutional Convention in which it made it possible for a person to be appointed and another person to be elected to a vacancy in this same district justice office. The amendment is not at all directed to the two-thirds provision. That is part of the current Constitution and as the gentleman will note, it is not a part of the amendment.

Senator KELLEY, Mr. President, I realize that. I was only hoping that, even at this late time, we might get something in legislative history.

And the question recurring,
Shall the bill pass finally?

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

YEAS—46

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Bell,	Hess,	Mellow,	Scanlon,
Cianfrani,	Hill,	Messinger,	Schaefer,
Coppersmith,	Holl,	Moore,	Smith,
Dougherty,	Hopper,	Murray,	Snyder,
Duffield,	Howard,	Nolan,	Stapleton,
Dwyer,	Jubelirer,	Noszka,	Stauffer,
Early,	Kelley,	O'Pake,	Sweeney,

Fleming, Kury, Orlando, Tilghman,
Gekas, Lewis, Reibman, Wood,
Gurzenda, Lynch,

NAYS — 0

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

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

BILL OVER IN ORDER

SB 325 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 326 (Pr. No. 328) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS — 47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	Hill,	Messinger,	Smith,
Coppersmith,	Holl,	Moore,	Snyder,
Dougherty,	Hopper,	Murray,	Stapleton,
Duffield,	Howard,	Nolan,	Stauffer,
Dwyer,	Jubelirer,	Noszka,	Sweeney,
Early,	Kelley,	O'Pake,	Tilghman,
Fleming,	Kury,	Orlando,	Wood,
Gekas,	Lewis,	Reibman,	Zemprelli.
Gurzenda,	Lynch,	Romanelli,	

NAYS — 0

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

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

BILL OVER IN ORDER ON FINAL PASSAGE

HB 446 (Pr. No. 1159) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator MCKINNEY. Mr. President, I request that House Bill No. 446 go over in its order.

Senator REIBMAN: Mr. President, I object.

The PRESIDENT pro tempore. Does Senator McKinney desire a roll call or may we be at ease?

The Senate will be at ease.

(The Senate was at ease.)

Senator REIBMAN: Mr. President, I withdraw by objection.

The PRESIDENT pro tempore. Senator Reibman withdraws her objection.

At the request of Senator McKinney, House Bill No. 446 Printer's No. 1159 will go over in its order.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 630 (Pr. No. 665) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS — 47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	Hill,	Messinger,	Smith,
Coppersmith,	Holl,	Moore,	Snyder,
Dougherty,	Hopper,	Murray,	Stapleton,
Duffield,	Howard,	Nolan,	Stauffer,
Dwyer,	Jubelirer,	Noszka,	Sweeney,
Early,	Kelley,	O'Pake,	Tilghman,
Fleming,	Kury,	Orlando,	Wood,
Gekas,	Lewis,	Reibman,	Zemprelli.
Gurzenda,	Lynch,	Romanelli,	

NAYS — 0

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

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

SB 631 (Pr. No. 815) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS — 47

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Cianfrani,	Hill,	Messinger,	Smith,
Coppersmith,	Holl,	Moore,	Snyder,
Dougherty,	Hopper,	Murray,	Stapleton,
Duffield,	Howard,	Nolan,	Stauffer,
Dwyer,	Jubelirer,	Noszka,	Sweeney,
Early,	Kelley,	O'Pake,	Tilghman,
Fleming,	Kury,	Orlando,	Wood,
Gekas,	Lewis,	Reibman,	Zemprelli.
Gurzenda,	Lynch,	Romanelli,	

NAYS — 0

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