

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

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

The PRESIDENT. House Bill No. 2678, together with the amendments offered by Senator Fumo, will be laid on the table.

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

HB 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714 and 2715 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILLS OVER IN ORDER

HB 62 (Pr. No. 3655) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator HOWARD. Mr. President, I move that House Bill No. 62 revert to the form it was in under Printer's No. 459.

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

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Howard.

The PRESIDENT. Will the gentleman from Bucks, Senator Howard, permit himself to be interrogated?

Senator HOWARD. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, if I understand the gentleman's motion to revert to a prior printer's number, is it true that the effect of that reversion would mean that the bill would contain language which is substantially Paragraph B on page 2 pertaining to Section 1 of House Bill No. 62 that is before us and, in fact, that provision provides for the establishment of a fund that would relate to the use of aviation taxes to reimburse costs related to air navigation included, but not limited to the reimbursement of airport property owners for property tax expenditures; is that basically correct?

Senator HOWARD. Mr. President, that is correct.

Senator ZEMPRELLI. Mr. President, based on the indication of the gentleman as to the import of what his motion would do, I would advise the Members of the Senate that it is the intention of the Majority to offer amendments which would exactly do the antithesis of what the gentleman suggests and that would be to delete the provision known as Subparagraph B on page 2 through Section 2 and to allow the bill to carry the other language that it does have now.

Mr. President, for that reason, I would ask a negative vote from all the Members of the Senate because I think we are engaging in a very dangerous precedent in establishing a special

diversion of gasoline tax monies for a special interest.

Senator HOWARD. Mr. President, I am not sure I completely understand what the Majority Leader was saying, but it is a fact true that the effect of this motion, if it succeeds, would be to take House Bill No. 62 back to the form that it came over from the House and that form dealt with one subject and that was the authorization of the expenditure on private airports from monies from a fund that has already been established and that has been lost in the amendatory process since the bill came over. What we are trying to do, Mr. President, is get the bill back to its original intent and vote in that fashion.

For that reason, Mr. President, I ask for an affirmative vote on the motion.

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

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

YEAS—21

Andrews,	Hager,	Jubelirer,	O'Connell,
Corman,	Hess,	Kusse,	Price,
Dwyer,	Holl,	Loeper,	Snyder,
Early,	Hopper,	Manbeck,	Stauffer,
Gekas,	Howard,	Moore,	Tilghman,
Greenleaf,			

NAYS—28

Arlene,	Kelley,	Mellow,	Ross,
Bell,	Kury,	Messinger,	Scanlon,
Bodack,	Lewis,	Murray,	Schaefer,
Coppersmith,	Lincoln,	Orlando,	Smith,
Fumo,	Lloyd,	Pecora,	Stapleton,
Gurzenda,	Lynch,	Reibman,	Stout,
Hankins,	McKinney,	Romanelli,	Zemprelli,

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

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

AMENDMENTS OFFERED

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

Amend Title, page 1, line 1, by striking out "amendments" and inserting: an amendment

Amend Title, page 1, line 3, by inserting a period after "PENSIONS"

Amend Title, page 1, lines 3 and 4, by striking out "AND further providing" in line 3 and all of line 4

Amend Sec. 1, page 1, line 7, by striking out "AMENDMENTS" and inserting: amendment

Amend Sec. 1, page 1, line 8, by striking out "ARE" and inserting: is

Amend Sec. 1, page 1, line 10, by striking out "(1)"

Amend Sec. 1 (Sec. 26), page 2, lines 8 through 30; page 3, lines 1 through 12, by striking out all of said lines on said pages

Amend Sec. 2, page 3, line 13, by striking out "AMENDMENTS" and inserting: amendment

Amend Sec. 2, page 3, lines 13 and 14, by striking out "IN CLAUSES (1) AND (2) OF SECTION 1"

Amend Sec. 2, page 3, line 14, by striking out "SEPARATELY"

Amend Sec. 2, page 3, line 17, by inserting after "XI": of the Constitution of Pennsylvania

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

Senator ZEMPRELLI. Mr. President, I am certain that the amendments are somewhat controversial. As suggested in my interrogatory to the gentleman from Bucks, Senator Howard, the amendments would delete that portion which would establish a special fund from gasoline taxes to be used either by private owners of aircraft or public owners of aircraft, dealing with owners of airports and so forth.

Mr. President, the simple regard would be that the portion of the bill that deals with creating a special fund from motor fuel licenses that are derived from gasoline sold for airplanes would not be created in a special category for special use for airports or airport owners.

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

AMENDMENTS WITHDRAWN

Senator ZEMPRELLI. Mr. President, I have been prevailed upon to reconsider my amendment offer at this time. Mr. President, I would withdraw my amendments for the present time and ask that House Bill No. 62 go over.

The PRESIDENT. House Bill No. 62 will go over in its order on third consideration.

HB 196 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 382 (Pr. No. 3706) — Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEAS—48

- Arlene, Bell, Bodack, Coppersmith, Corrman, Dwyer, Early, Fumo, Gekas, Greenleaf, Gurzenda, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, Manbeck, McKinney, Mellow, Messinger, Moore, Murray, O'Connell, Orlando, Pecora, Price, Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Zemprelli,

NAYS—1

Andrews,

A constitutional majority of all the Senators having voted

"aye," the question was determined in the affirmative.

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

BILL OVER IN ORDER

HB 421 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AMENDED

HB 960 (Pr. No. 3641) — Considered the third time,

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

Amend Title, page 1, line 6, by removing the period after "counties" and inserting: and further providing for costs in civil and criminal cases.

Amend Bill, page 4, by inserting between lines 2 and 3:

Section 2. Subsections (a) and (b) of section 1725.1 of Title 42, are amended to read:

§ 1725.1. Costs.

(a) Civil cases.—The costs to be charged by the minor judiciary in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Assumpsit or trespass involving \$100 or less \$10.00
(2) Assumpsit or trespass involving more than \$100 but not more than \$300 \$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500 \$20.00
(4) Assumpsit or trespass involving more than \$500 \$25.00
(5) Landlord and tenant proceeding \$25.00
(6) Order of execution \$15.00
(7) Objection to levy \$ 5.00
(8) Reinstatement of complaint. No Charge

Such costs shall include all charges [including, when called for, the costs relating to postage and registered mail,] except the costs of a district justice's transcript of every proceeding or on appeal or certiorari (including affidavit, bail and certificate) which shall be \$2.50 per transcript. Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(b) Criminal cases.—The costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$16.00
(2) Summary conviction, motor vehicles cases, other than paragraph (3) \$10.00
(3) Summary conviction, motor vehicle cases, hearing demanded \$15.00
(4) Misdemeanor \$20.00
(5) Felony \$25.00

Such costs shall include all charges including [the costs of postage and registered mail and] the costs of giving a district justice's transcript to the prosecutor or defendant, or both, if requested. Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

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