

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 4, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN)  
IN THE CHAIR

PRAYER

REV. JAMES S. VUOCOLO, chaplain of the House of Representatives and pastor of St. Luke's United Church of Christ, Kenhorst, Reading, Pennsylvania, offered the following prayer:

Let us come before God in prayer. Let us pray:

*Almighty and Eternal God, before whom all nations rise and pass away, we ask that new visions of Your righteous will be granted to those who serve the public trust throughout our land, and especially to the legislative workers here assembled, that their decisions may responsibly promote and preserve a true and genuine well-being for each of Your children who reside within the boundaries of the Commonwealth they seek to help govern. Through Jesus Christ our Lord. Amen.*

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, May 3, 1982, will be postponed until printed. The Chair hears no objection.

STATEMENT BY MR. KENNEDY

TERCENTENARY COMMITTEE  
ON THIS DAY IN HISTORY

The SPEAKER. The Chair at this time recognizes the gentleman from Cumberland, Mr. Kennedy, to do "On This Day in History."

Mr. KENNEDY. Thank you, Mr. Speaker.

On this day in history the General Assembly was in special session. It was considering flood relief measures to permit Pennsylvania to participate in the newly enacted Federal Social Security Acts. It was considering a variety of tax measures.

One of the tax measures—of emergency and temporary nature—enacted by the legislature 46 years ago was a tax on

alcoholic beverages. The emergency continues, and the tax remains on the book.

The Flood of 1936 was being reported by a young Harrisburg newsman, namely John Scotzin. Mr. Scotzin, flying above the floodwaters with then Governor George Earle, was told, "Johnnie, you'll never live to see this again."

Mr. Scotzin has seen it again, and much more. He is now the distinguished dean of the Capitol Correspondents' Association, writing for the Harrisburg Evening News here in Harrisburg. Thank you, Mr. Speaker.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking Republican leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

On this day we request no leaves for absences.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader for the purpose of taking leaves of absence.

Mr. IRVIS. Mr. Speaker, we have no requests for leaves.

The SPEAKER. The Chair thanks the gentleman.

REPORT OF COMMITTEE  
OF CONFERENCE PRESENTED

Mr. McCLATCHY presented the Report of the Committee of Conference on SB 929, PN 1896.

BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED

HB 2141, PN 3282 (Amended)

By Rep. SPENCER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic relations, making conforming amendments to Title 42 and repealing certain acts and parts of acts supplied by the act or otherwise obsolete.

JUDICIARY.

HB 2147, PN 2716

By Rep. SPENCER

An Act amending "The Marriage Law," approved August 22, 1953 (P. L. 1344, No. 383), further providing for persons qualified to solemnize marriages.

JUDICIARY.

HB 2289, PN 2966

By Rep. SPENCER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the duties of the Legislative Reapportionment Commission.

#### JUDICIARY.

**SB 79, PN 1899** (Amended)

By Rep. SPENCER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," providing for domestic violence and rape crisis programs, imposing additional costs and making an appropriation.

#### JUDICIARY.

### BILLS REREPORTED FROM COMMITTEE

**HB 2008, PN 3219**

By Rep. McCLATCHY

An Act providing for energy conservation and management, providing for the powers and duties of the Governor's Energy Council; establishing an Energy Development Authority; providing for its powers and duties in relation to the development and implementation of energy technologies; providing for the issuance of bonds and making an appropriation.

#### APPROPRIATIONS.

**HB 2055, PN 3220**

By Rep. McCLATCHY

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects and making repeals.

#### APPROPRIATIONS.

**SB 600, PN 1836**

By Rep. McCLATCHY

An Act regulating the practice and licensure of occupational therapy, creating the State Board of Occupational Therapy Education and Licensure with certain powers and duties and prescribing penalties.

#### APPROPRIATIONS.

**SB 1057, PN 1853**

By Rep. McCLATCHY

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," further regulating the practice of landscape architecture; providing a repeal and providing penalties.

#### APPROPRIATIONS.

**SB 1283, PN 1870**

By Rep. McCLATCHY

An Act providing for the administration of certain Commonwealth farmland within the Department of Agriculture.

#### APPROPRIATIONS.

### FEDERAL-STATE RELATIONS COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Hasay, rise?

Mr. HASAY. For the purpose of announcing a committee meeting.

There will be a House Federal-State Relations Committee meeting at the call of the recess in room 245. I would appreciate the attendance of the members of the Federal-State Relations Committee to be there. Thank you. It will be a very brief meeting.

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 929, PN 1896**.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2083, PN 2597**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 2212, PN 3180**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

### BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

**HB 2083, PN 2597**

An Act amending the "Capital Budget Act for Fiscal Year 1978-1979, Public Improvement Project Itemization Supplement - Department of General Services," approved September 28, 1978 (P. L. 822, No. 161), providing for the nonlapsing of certain Federal funds.

### WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guest of the gentleman from Erie, Mr. Bowser, James Kusiak of Union City, Pennsylvania.

The Chair is pleased to welcome to the hall of the House today Gloria Keyser, the director of the Private Industry Council of Franklin County, here today as the guest of Representative Harry Bittle.

The Chair is pleased to welcome to the hall of the House today Annette Tacconelli of Montgomery County, here today as the guest of the gentleman from Montgomery, Mr. Bert Daikeler.

To the left of the rostrum, as the guests of Representative Karl Boyes, McDowell Senior High School American Government students, Sherri Stresemann, Annette Friedrich, Rob Brown, Jim Steele, Rick and Sandy Fessler, and their daughter Lisa.

**CALENDAR**  
**BILLS AGREED TO**  
**ON SECOND CONSIDERATION**

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

**SB 1349, PN 1741.**

\* \* \*

The House proceeded to second consideration of **SB 1323, PN 1894**, entitled:

An Act amending the act of November 26, 1978 (P. L. 1309, No. 317), entitled "Public Works Contract Regulation Law," regulating retainage and interest.

On the question,  
 Will the House agree to the bill on second consideration?

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that SB 1323 be recommitted to the Committee on Appropriations.

On the question,  
 Will the House agree to the motion?  
 Motion was agreed to.

**BILLS AGREED TO ON SECOND**  
**CONSIDERATION CONTINUED**

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

**HB 2420, PN 3232; and HB 2347, PN 3049.**

**NURSES PRESENTED**

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty, and invites the lady to the rostrum for the purpose of making a presentation.

Mrs. ARTY. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, I bring to your attention the fact that this is National Nurse Week. The Governor of the Commonwealth has signed a proclamation recognizing Nurse Week, May 6 through May 12, in the Commonwealth of Pennsylvania.

In recognition then of the 160,000 nurses licensed to practice in Pennsylvania, and in particular, three nurses who take care of those of us who work in this building - elected and appointed officials, staff, visitors, from the administrative, legislative, and judicial branches of government - whose mission is to keep us healthy and who respond to medical emergencies, who benefit us in our lives with their wise counseling, their resources, and referrals. I would like to present them to you, to the members of this House, in National Nurse Week, and present to them a citation from the House of Representatives.

WHEREAS, May 6, 1982 has been designated as National Recognition Day for Nurses; and

WHEREAS, The men and women of the nursing profession unselfishly dedicate themselves to caring for the health and welfare of their fellowman. These dedicated professionals continually strive to promote and upgrade standards of care, and to improve nursing services through continuing education courses and the application of nursing research and new technologies and methods of treatments; and

WHEREAS, The Legislative Nurses, Alice Weiser, Elner M. Mann and Jane Rickert deserve our gratitude and appreciation for their dedicated services and invaluable nursing care.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania pays tribute to Legislative Nurses Alice Weiser, Elner M. Mann and Jane Rickert on the momentous occasion of National Recognition Day for Nurses; and further directs that a copy of this citation be delivered to Alice Weiser, Elner M. Mann and Jane Rickert.

Thank you.

**ALTOONA AREA HIGH SCHOOL**  
**CHORAL ENSEMBLE PRESENTED**

The SPEAKER. The Chair at this time recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

We as politicians often like to hear ourselves at the mike, and in lieu of hearing myself talk to the rest of the members, I would like to take this opportunity to introduce a very close personal friend of mine from the city of Altoona, Mary Fubio, who will introduce our special guests for the day.

Miss-FUBIO. Thank you, Rick.

As Rick told you, I represent the Altoona Area High School and the vocal music ensemble. We are here today to perform a variety of selections for you.

I would like to introduce our director, Mr. Jake Snyder. Mr. Snyder, in the back of the floor, is our director. He is just a great director. We do not know what we would do without him. He really keeps our group together. We also have our music superintendent of Altoona Area High School, Mr. Darwin Beistline, in the back here, and Mr. Snyder's wife is also with us today.

In Altoona we do a variety of selections, all over Altoona, all over the community, and we really like what we do. It is a school function, and we really have a good time at it. We know we have a limited amount of time today, so we would just like to go on with our short program. Thank you.

(A musical program was presented.)

Mr. GEIST. Thank you, Mr. Speaker.

It certainly is a pleasure for me today to have our group from Altoona down here. I could not be prouder than a father of these children and these future adults from our Altoona High School. Thank you.

Mr. Speaker, since you just celebrated your birthday, which was up into that second plateau, and our whip used to enjoy this kind of music, that "Tuxedo Junction" was a special birthday gift for you.

The SPEAKER. I was too young; I do not remember that one.

### WELCOME

The SPEAKER. While in Blair County, the Chair is pleased to recognize and introduce to some of the new members a longtime distinguished member of this House from that county, Mr. Bill Wilt, who served in the House from 1963 through 1976. The gentleman is here to the left of the rostrum.

For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, I just want to applaud those students for their beautiful program, and for Mr. Manderino's benefit, I hope this beautiful, harmonious attitude prevails for the balance of the day.

The SPEAKER. I am sure it will.

### WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guest of Representative Belfanti, Mr. Michael Petroskie of Mount Carmel.

The Chair is pleased to welcome to the hall of the House today as the guests of the Speaker and the Delaware County delegation, 49 members of the Cultural Arts Center of Neumann College.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—196

|             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Alden       | Evans           | Lewis     | Rocks         |
| Anderson    | Fargo           | Livengood | Rybak         |
| Armstrong   | Fee             | Lloyd     | Salvatore     |
| Arty        | Fischer         | Lucyk     | Saurman       |
| Barber      | Fleck           | McClatchy | Serafini      |
| Belardi     | Foster, W. W.   | McIntyre  | Seventy       |
| Belfanti    | Foster, Jr., A. | McMonagle | Showers       |
| Beloff      | Frazier         | McVerry   | Shupnik       |
| Berson      | Freind          | Mackowski | Sieminski     |
| Bittle      | Fryer           | Madigan   | Sirianni      |
| Blaum       | Gallagher       | Maiale    | Smith, B.     |
| Borski      | Gallen          | Manderino | Smith, E. H.  |
| Bowser      | Gamble          | Manmiller | Smith, L. E.  |
| Boyes       | Gannon          | Marmion   | Snyder        |
| Brandt      | Geist           | Merry     | Spencer       |
| Brown       | George          | Michlovic | Spitz         |
| Burd        | Gladeck         | Micozzie  | Stairs        |
| Burns       | Grabowski       | Miller    | Steighner     |
| Caltagirone | Gray            | Miscevich | Stevens       |
| Cappabianca | Greenfield      | Moehlmann | Stewart       |
| Cawley      | Greenwood       | Morris    | Stuban        |
| Cessar      | Grieco          | Mowery    | Swaim         |
| Cimini      | Gruitza         | Mrkoncic  | Sweet         |
| Civera      | Gruppo          | Mullen    | Swift         |
| Clark       | Hagarty         | Murphy    | Taddonio      |
| Qlymer      | Haluska         | Nahill    | Taylor, E. Z. |
| Cochran     | Harper          | Noye      | Taylor, F. E. |
| Cohen       | Hasay           | O'Donnell | Telek         |
| Colafella   | Hayes           | Olasz     | Tighe         |
| Cole        | Heiser          | Oliver    | Trello        |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Cordisco   | Hoeffel        | Pendleton   | Van Horne       |
| Cornell    | Honaman        | Perzel      | Vroon           |
| Coslett    | Horgos         | Peterson    | Wachob          |
| Cowell     | Hutchinson, A. | Petrarca    | Wambach         |
| Cunningham | Irviss         | Petrone     | Wargo           |
| DeMedio    | Itkin          | Phillips    | Wass            |
| DeVerter   | Jackson        | Piccola     | Wenger          |
| DeWeese    | Johnson        | Pievsky     | Weston          |
| Daikeler   | Kanuck         | Pistella    | Wiggins         |
| Davies     | Kennedy        | Pitts       | Williams, J. D. |
| Dawida     | Klingaman      | Pott        | Wilson          |
| Deal       | Kowalyshyn     | Pratt       | Wogan           |
| Dietz      | Kukovich       | Pucciarelli | Wozniak         |
| Dininni    | Lashinger      | Punt        | Wright, D. R.   |
| Dombrowski | Laughlin       | Rasco       | Wright, J. L.   |
| Donatucci  | Lehr           | Reber       | Wright, R. C.   |
| Dorr       | Lescovitz      | Richardson  |                 |
| Duffy      | Letterman      | Rieger      | Ryan,           |
| Durham     | Levi           | Ritter      | Speaker         |
| Emerson    | Levin          |             |                 |

#### ADDITIONS—1

Rappaport

#### NOT VOTING—1

Williams, H.

#### EXCUSED—2

Kolter

Zwikl

#### LEAVE ADDED—1

Olasz

### CALENDAR CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2343, PN 3045**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor to grant an easement on a tract of land in East Norriton Township, Montgomery County to Phillip Giovinco for a sanitary sewer line.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

#### YEAS—190

|           |                 |           |              |
|-----------|-----------------|-----------|--------------|
| Alden     | Evans           | Levi      | Ritter       |
| Anderson  | Fargo           | Levin     | Rybak        |
| Armstrong | Fee             | Livengood | Salvatore    |
| Arty      | Fischer         | Lloyd     | Saurman      |
| Barber    | Fleck           | Lucyk     | Serafini     |
| Belardi   | Foster, W. W.   | McClatchy | Seventy      |
| Belfanti  | Foster, Jr., A. | McMonagle | Showers      |
| Beloff    | Frazier         | McVerry   | Shupnik      |
| Berson    | Freind          | Mackowski | Sieminski    |
| Bittle    | Fryer           | Madigan   | Sirianni     |
| Blaum     | Gallagher       | Maiale    | Smith, B.    |
| Borski    | Gallen          | Manderino | Smith, E. H. |
| Bowser    | Gamble          | Manmiller | Smith, L. E. |
| Boyes     | Gannon          | Marmion   | Snyder       |
| Brandt    | Geist           | Merry     | Spencer      |
| Brown     | George          | Michlovic | Spitz        |

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Burd        | Gladeck        | Micozzie    | Stairs          |
| Burns       | Grabowski      | Miller      | Steighner       |
| Caltagirone | Gray           | Miscevich   | Stevens         |
| Cappabianca | Greenfield     | Moehlmann   | Stewart         |
| Cawley      | Greenwood      | Morris      | Stuban          |
| Cessar      | Grieco         | Mowery      | Sweet           |
| Cimini      | Gruitza        | Mrkoncic    | Swift           |
| Civera      | Gruppo         | Mullen      | Taddonio        |
| Clark       | Hagarty        | Murphy      | Taylor, E. Z.   |
| Clymer      | Haluska        | Nahill      | Taylor, F. E.   |
| Cochran     | Harper         | Noye        | Telek           |
| Cohen       | Hasay          | O'Donnell   | Tigue           |
| Colafella   | Hayes          | Olasz       | Trello          |
| Cole        | Heiser         | Oliver      | Van Horne       |
| Cornell     | Hoeffel        | Pendleton   | Vroon           |
| Coslett     | Honaman        | Perzel      | Wachob          |
| Cowell      | Horgos         | Peterson    | Wambach         |
| Cunningham  | Hutchinson, A. | Petrarca    | Wargo           |
| DeMedio     | Irvic          | Petrone     | Wass            |
| DeVerter    | Itkin          | Phillips    | Wenger          |
| DeWeese     | Jackson        | Piccola     | Weston          |
| Daikeler    | Johnson        | Pievsky     | Wiggins         |
| Davies      | Kanuck         | Pistella    | Williams, J. D. |
| Dawida      | Kennedy        | Pitts       | Wilson          |
| Deal        | Klingaman      | Pott        | Wogan           |
| Dietz       | Kowalyszyn     | Pratt       | Wozniak         |
| Dininni     | Kukovich       | Pucciarelli | Wright, D. R.   |
| Dombrowski  | Lashinger      | Punt        | Wright, J. L.   |
| Dorr        | Laughlin       | Rasco       | Wright, R. C.   |
| Duffy       | Lehr           | Reber       | Ryan,           |
| Durham      | Lescovitz      | Richardson  | Speaker         |
| Emerson     | Letterman      | Rieger      |                 |

## NAYS—0

## NOT VOTING—8

|           |          |           |              |
|-----------|----------|-----------|--------------|
| Cordisco  | Lewis    | Rappaport | Swaim        |
| Donatucci | McIntyre | Rocks     | Williams, H. |

## EXCUSED—2

Kolter      Zwinkl

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

\* \* \*

The House proceeded to third consideration of **SB 1107, PN 1610**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare and the Secretary of Agriculture, to sell and convey a certain lot or tract of land situate in Upper St. Clair Township, Allegheny County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—193

|           |         |           |           |
|-----------|---------|-----------|-----------|
| Alden     | Evans   | Levin     | Rybak     |
| Anderson  | Fargo   | Lewis     | Salvatore |
| Armstrong | Fee     | Livengood | Saurman   |
| Arty      | Fischer | Lloyd     | Serafini  |

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Barber      | Fleck           | Lucyk       | Seventy         |
| Belardi     | Foster, W. W.   | McClatchy   | Showers         |
| Belfanti    | Foster, Jr., A. | McMonagle   | Shupnik         |
| Belloff     | Frazier         | McVerry     | Sieminski       |
| Berson      | Freind          | Mackowski   | Sirianni        |
| Bittle      | Fryer           | Madigan     | Smith, B.       |
| Blaum       | Gallagher       | Maiale      | Smith, E. H.    |
| Borski      | Gallen          | Manderino   | Smith, L. E.    |
| Bowser      | Gamble          | Manniller   | Snyder          |
| Boyes       | Gannon          | Marmion     | Spencer         |
| Brandt      | Geist           | Merry       | Spirz           |
| Brown       | George          | Michlovic   | Stairs          |
| Burd        | Gladeck         | Micozzie    | Steighner       |
| Burns       | Grabowski       | Miller      | Stevens         |
| Caltagirone | Gray            | Miscevich   | Stewart         |
| Cappabianca | Greenfield      | Moehlmann   | Stuban          |
| Cawley      | Greenwood       | Morris      | Swaim           |
| Cessar      | Grieco          | Mowery      | Sweet           |
| Cimini      | Gruitza         | Mrkoncic    | Swift           |
| Civera      | Gruppo          | Mullen      | Taddonio        |
| Clark       | Hagarty         | Murphy      | Taylor, E. Z.   |
| Clymer      | Haluska         | Nahill      | Taylor, F. E.   |
| Cochran     | Harper          | Noye        | Telek           |
| Cohen       | Hasay           | O'Donnell   | Tigue           |
| Colafella   | Hayes           | Olasz       | Trello          |
| Cole        | Heiser          | Oliver      | Van Horne       |
| Cornell     | Hoeffel         | Pendleton   | Vroon           |
| Coslett     | Honaman         | Perzel      | Wachob          |
| Cowell      | Horgos          | Peterson    | Wambach         |
| Cunningham  | Hutchinson, A.  | Petrarca    | Wargo           |
| DeMedio     | Irvic           | Petrone     | Wass            |
| DeVerter    | Itkin           | Phillips    | Wenger          |
| DeWeese     | Jackson         | Piccola     | Weston          |
| Daikeler    | Johnson         | Pievsky     | Wiggins         |
| Davies      | Kanuck          | Pistella    | Williams, J. D. |
| Dawida      | Kennedy         | Pitts       | Wilson          |
| Deal        | Klingaman       | Pott        | Wogan           |
| Dietz       | Kowalyszyn      | Pratt       | Wozniak         |
| Dininni     | Kukovich        | Pucciarelli | Wright, D. R.   |
| Dombrowski  | Lashinger       | Punt        | Wright, J. L.   |
| Donatucci   | Laughlin        | Rasco       | Wright, R. C.   |
| Dorr        | Lehr            | Reber       | Ryan,           |
| Duffy       | Lescovitz       | Richardson  | Speaker         |
| Durham      | Letterman       | Rieger      |                 |
| Emerson     | Levi            | Ritter      |                 |

## NAYS—0

## NOT VOTING—5

|          |           |       |              |
|----------|-----------|-------|--------------|
| Cordisco | Rappaport | Rocks | Williams, H. |
| McIntyre |           |       |              |

## EXCUSED—2

Kolter      Zwinkl

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 1286, PN 1593**, entitled:

An Act authorizing and directing the General State Authority, with the approval of the Governor, to convey to the Redevelopment Authority of Montgomery County, 2,970 square feet of land, more or less, situate in the Borough of Norristown, Montgomery County, Commonwealth of Pennsylvania.

On the question,  
Will the House agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—193

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Emerson         | Levi        | Rybak           |
| Anderson    | Evans           | Levin       | Salvatore       |
| Armstrong   | Fargo           | Lewis       | Saurman         |
| Arty        | Fee             | Livengood   | Serafini        |
| Barber      | Fischer         | Lloyd       | Seventy         |
| Belardi     | Fleck           | Lucyk       | Showers         |
| Belfanti    | Foster, W. W.   | McClatchy   | Shupnik         |
| Beloff      | Foster, Jr., A. | McMonagle   | Sieminski       |
| Berson      | Frazier         | McVerry     | Sirianni        |
| Bittle      | Freind          | Mackowski   | Smith, B.       |
| Blaum       | Fryer           | Madigan     | Smith, E. H.    |
| Borski      | Gallagher       | Maiale      | Smith, L. E.    |
| Bowser      | Gallen          | Manderino   | Snyder          |
| Boyes       | Gamble          | Manmiller   | Spencer         |
| Brandt      | Gannon          | Marmion     | Spitz           |
| Brown       | Geist           | Merry       | Stairs          |
| Burd        | George          | Michlovic   | Steighner       |
| Burns       | Gladeck         | Micozzie    | Stevens         |
| Caltagirone | Grabowski       | Miller      | Stewart         |
| Cappabianca | Gray            | Miscevich   | Stuban          |
| Cawley      | Greenfield      | Mochlmann   | Swaim           |
| Cessar      | Greenwood       | Morris      | Sweet           |
| Cimini      | Grieco          | Mowery      | Swift           |
| Civera      | Gruitza         | Mrkonc      | Taddonio        |
| Clark       | Gruppo          | Mullen      | Taylor, E. Z.   |
| Clymer      | Hagarty         | Murphy      | Taylor, F. E.   |
| Cochran     | Haluska         | Nahill      | Telek           |
| Cohen       | Harper          | Noye        | Tigue           |
| Colafella   | Hasay           | O'Donnell   | Trello          |
| Cole        | Hayes           | Oliver      | Van Horne       |
| Cordisco    | Heiser          | Pendleton   | Vroon           |
| Cornell     | Hoeffel         | Perzel      | Wachob          |
| Coslett     | Honaman         | Peterson    | Wambach         |
| Cowell      | Horgos          | Petrarca    | Wargo           |
| Cunningham  | Hutchinson, A.  | Petrone     | Wass            |
| DeMedio     | Irvs            | Phillips    | Wenger          |
| DeVerter    | Itkin           | Piccola     | Weston          |
| DeWeese     | Jackson         | Pievsky     | Wiggins         |
| Daikeler    | Johnson         | Pistella    | Williams, J. D. |
| Davies      | Kanuck          | Pitts       | Wilson          |
| Dawida      | Kennedy         | Pott        | Wogan           |
| Deal        | Klingaman       | Pratt       | Wozniak         |
| Dietz       | Kowalshyn       | Pucciarelli | Wright, D. R.   |
| Dininni     | Kukovich        | Punt        | Wright, J. L.   |
| Dombrowski  | Lashinger       | Rasco       | Wright, R. C.   |
| Donatucci   | Laughlin        | Reber       |                 |
| Dorr        | Lehr            | Richardson  | Ryan,           |
| Duffy       | Lescovitz       | Rieger      | Speaker         |
| Durham      | Letterman       | Ritter      |                 |

## NAYS—0

## NOT VOTING—5

|          |           |       |              |
|----------|-----------|-------|--------------|
| McIntyre | Rappaport | Rocks | Williams, H. |
| Olasz    |           |       |              |

## EXCUSED—2

|        |       |
|--------|-------|
| Kolter | Zwikl |
|--------|-------|

The majority-required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

## WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, seated in the gallery as the guests of Representative Swaim of Philadelphia, the seventh grade class of St. Jerome's Grade School in Philadelphia, here today with their teacher, Sister Mary Elizabeth.

## LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request leave of absence for the gentleman, Mr. OLASZ, for the week's session.

The SPEAKER. Without objection, leave will be granted. The Chair hears none.

## RESOLUTIONS ADOPTED

Mr. LESCOVITZ called up **HR 123, PN 2488**, entitled:

General Assembly honors the Borough of Midland, Beaver County on the 75th year of its founding.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—192

|             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Alden       | Emerson         | Levi      | Ritter        |
| Anderson    | Evans           | Levin     | Rybak         |
| Armstrong   | Fargo           | Lewis     | Saurman       |
| Arty        | Fee             | Livengood | Serafini      |
| Barber      | Fischer         | Lloyd     | Seventy       |
| Belardi     | Fleck           | Lucyk     | Showers       |
| Belfanti    | Foster, W. W.   | McClatchy | Shupnik       |
| Beloff      | Foster, Jr., A. | McMonagle | Sieminski     |
| Berson      | Frazier         | McVerry   | Sirianni      |
| Bittle      | Freind          | Mackowski | Smith, B.     |
| Blaum       | Fryer           | Madigan   | Smith, E. H.  |
| Borski      | Gallagher       | Maiale    | Smith, L. E.  |
| Bowser      | Gallen          | Manderino | Snyder        |
| Boyes       | Gamble          | Manmiller | Spencer       |
| Brandt      | Gannon          | Marmion   | Spitz         |
| Brown       | Geist           | Merry     | Stairs        |
| Burd        | George          | Michlovic | Steighner     |
| Burns       | Gladeck         | Micozzie  | Stevens       |
| Caltagirone | Grabowski       | Miller    | Stewart       |
| Cappabianca | Gray            | Miscevich | Stuban        |
| Cawley      | Greenfield      | Mochlmann | Swaim         |
| Cessar      | Greenwood       | Morris    | Sweet         |
| Cimini      | Grieco          | Mowery    | Swift         |
| Civera      | Gruitza         | Mrkonc    | Taddonio      |
| Clark       | Gruppo          | Mullen    | Taylor, E. Z. |
| Clymer      | Hagarty         | Murphy    | Taylor, F. E. |
| Cochran     | Haluska         | Nahill    | Telek         |
| Cohen       | Harper          | Noye      | Tigue         |
| Colafella   | Hasay           | O'Donnell | Trello        |
| Cole        | Hayes           | Oliver    | Van Horne     |
| Cordisco    | Heiser          | Pendleton | Vroon         |
| Cornell     | Hoeffel         | Perzel    | Wachob        |
| Coslett     | Honaman         | Peterson  | Wambach       |
| Cowell      | Horgos          | Petrarca  | Wargo         |
| Cunningham  | Hutchinson, A.  | Petrone   | Wass          |
| DeMedio     | Irvs            | Phillips  | Wenger        |
| DeVerter    | Itkin           | Piccola   | Weston        |

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| DeWeese    | Jackson    | Pievsky     | Wiggins         |
| Daikeler   | Johnson    | Pistella    | Williams, J. D. |
| Davies     | Kanuck     | Pitts       | Wilson          |
| Dawida     | Kennedy    | Pott        | Wogan           |
| Deal       | Klingaman  | Pratt       | Wozniak         |
| Dietz      | Kowalyszyn | Pucciarelli | Wright, D. R.   |
| Diminni    | Kukovich   | Punt        | Wright, J. L.   |
| Dombrowski | Lashinger  | Rasco       | Wright, R. C.   |
| Donatucci  | Laughlin   | Reber       |                 |
| Dorr       | Lehr       | Richardson  | Ryan,           |
| Duffy      | Lescovitz  | Rieger      | Speaker         |
| Durham     | Letterman  |             |                 |

NAYS—0

NOT VOTING—5

|           |       |           |              |
|-----------|-------|-----------|--------------|
| McIntyre  | Rocks | Salvatore | Williams, H. |
| Rappaport |       |           |              |

EXCUSED—3

|        |       |        |
|--------|-------|--------|
| Kolter | Olasz | Zwinkl |
|--------|-------|--------|

The question was determined in the affirmative, and the resolution was adopted.

Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, for the information of the Democrats, there are a number of resolutions being called up for a vote which have not been caucused on formally. We have checked those resolutions, but if any member of the caucus has an objection to a resolution being called up without being caucused on, please announce that objection to the Chair so that we may withdraw that resolution. Thank you, Mr. Speaker.

\* \* \*

Mr. STEVENS called up **HR 181, PN 3246**, entitled:

House urges the District Attorney of Los Angeles, California, continue to oppose release of Sirhan Sirhan from prison.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

|             |                 |           |              |
|-------------|-----------------|-----------|--------------|
| Alden       | Evans           | Levin     | Rocks        |
| Anderson    | Fargo           | Lewis     | Rybak        |
| Armstrong   | Fee             | Livengood | Salvatore    |
| Arty        | Fischer         | Lloyd     | Saurman      |
| Barber      | Fleck           | Lucyk     | Seventy      |
| Belardi     | Foster, W. W.   | McClatchy | Showers      |
| Belfanti    | Foster, Jr., A. | McMonagle | Shupnik      |
| Beloff      | Frazier         | McVerry   | Sieminski    |
| Berson      | Freind          | Mackowski | Sirianni     |
| Bittle      | Fryer           | Madigan   | Smith, B.    |
| Blaum       | Gallagher       | Maiale    | Smith, E. H. |
| Borski      | Gallen          | Manderino | Smith, L. E. |
| Bowser      | Gamble          | Manmiller | Snyder       |
| Boyes       | Gannon          | Marmion   | Spencer      |
| Brandt      | Geist           | Merry     | Spitz        |
| Brown       | George          | Michlovic | Stairs       |
| Burd        | Gladeck         | Micozzie  | Steighner    |
| Burns       | Grabowski       | Miller    | Stevens      |
| Caltagirone | Gray            | Miscevich | Stewart      |
| Cappabianca | Greenfield      | Moehlmann | Suban        |
| Cawley      | Greenwood       | Morris    | Swaim        |
| Cessar      | Grieco          | Mowery    | Sweet        |
| Cimini      | Gruitza         | Mrkonc    | Swift        |
| Civera      | Gruppo          | Mullen    | Taddonio     |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Clark      | Hagarty        | Murphy      | Taylor, E. Z.   |
| Clymer     | Haluska        | Nahill      | Taylor, F. E.   |
| Cochran    | Harper         | Noye        | Telek           |
| Colafella  | Hasay          | O'Donnell   | Tigue           |
| Cole       | Hayes          | Oliver      | Trello          |
| Cordisco   | Heiser         | Pendleton   | Van Horne       |
| Cornell    | Hoeffel        | Perzel      | Vroom           |
| Coslett    | Honaman        | Peterson    | Wachob          |
| Cowell     | Horgos         | Petrarca    | Wambach         |
| Cunningham | Hutchinson, A. | Petrone     | Wargo           |
| DeMedio    | Irviss         | Phillips    | Wass            |
| DeVertter  | Itkin          | Piccola     | Wenger          |
| DeWeese    | Jackson        | Pievsky     | Weston          |
| Daikeler   | Johnson        | Pistella    | Wiggins         |
| Davies     | Kanuck         | Pitts       | Williams, J. D. |
| Dawida     | Kennedy        | Pott        | Wilson          |
| Deal       | Klingaman      | Pratt       | Wogan           |
| Dietz      | Kowalyszyn     | Pucciarelli | Wozniak         |
| Diminni    | Kukovich       | Punt        | Wright, D. R.   |
| Dombrowski | Lashinger      | Rasco       | Wright, J. L.   |
| Donatucci  | Laughlin       | Reber       | Wright, R. C.   |
| Dorr       | Lehr           | Richardson  |                 |
| Duffy      | Lescovitz      | Rieger      | Ryan,           |
| Durham     | Letterman      | Ritter      | Speaker         |
| Emerson    | Levi           |             |                 |

NAYS—0

NOT VOTING—5

|          |           |          |              |
|----------|-----------|----------|--------------|
| Cohen    | Rappaport | Serafini | Williams, H. |
| McIntyre |           |          |              |

EXCUSED—3

|        |       |        |
|--------|-------|--------|
| Kolter | Olasz | Zwinkl |
|--------|-------|--------|

The question was determined in the affirmative, and the resolution was adopted.

\* \* \*

Mr. BITTLE called up **HR 183, PN 3249**, entitled:

Pennsylvania Game Commission urged to withdraw proposed regulation changing period for deer hunting with muzzleloading firearms.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

|             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Alden       | Emerson         | Levin     | Salvatore     |
| Anderson    | Evans           | Lewis     | Saurman       |
| Armstrong   | Fargo           | Livengood | Serafini      |
| Arty        | Fee             | Lloyd     | Seventy       |
| Barber      | Fischer         | Lucyk     | Showers       |
| Belardi     | Fleck           | McClatchy | Shupnik       |
| Belfanti    | Foster, W. W.   | McMonagle | Sieminski     |
| Beloff      | Foster, Jr., A. | McVerry   | Sirianni      |
| Berson      | Frazier         | Mackowski | Smith, B.     |
| Bittle      | Freind          | Madigan   | Smith, E. H.  |
| Blaum       | Fryer           | Maiale    | Smith, L. E.  |
| Borski      | Gallagher       | Manderino | Snyder        |
| Bowser      | Gallen          | Manmiller | Spencer       |
| Boyes       | Gamble          | Marmion   | Spitz         |
| Brandt      | Geist           | Michlovic | Stairs        |
| Brown       | George          | Micozzie  | Steighner     |
| Burd        | Gladeck         | Miller    | Stevens       |
| Burns       | Gray            | Miscevich | Stewart       |
| Caltagirone | Greenwood       | Moehlmann | Suban         |
| Cappabianca | Grieco          | Morris    | Swaim         |
| Cawley      | Gruitza         | Mowery    | Sweet         |
| Cessar      | Gruppo          | Mrkonc    | Swift         |
| Cimini      | Hagarty         | Mullen    | Taddonio      |
| Civera      | Haluska         | Murphy    | Taylor, E. Z. |
| Clark       | Harper          | Nahill    | Taylor, F. E. |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Clymer     | Hasay          | O'Donnell   | Telek           |
| Cochran    | Hayes          | Oliver      | Tigue           |
| Colaella   | Heiser         | Pendleton   | Trello          |
| Cole       | Hoeffel        | Perzel      | Van Horne       |
| Cordisco   | Honaman        | Peterson    | Vroon           |
| Cornell    | Horgos         | Petrarca    | Wachob          |
| Coslett    | Hutchinson, A. | Petrone     | Wambach         |
| Cowell     | Irviss         | Phillips    | Wargo           |
| Cunningham | Itkin          | Piccola     | Wass            |
| DeMedio    | Jackson        | Pievsky     | Wenger          |
| DeVerter   | Johnson        | Pistella    | Weston          |
| DeWeese    | Kanuck         | Pitts       | Wiggins         |
| Daikeler   | Kennedy        | Pott        | Williams, J. D. |
| Davies     | Klingaman      | Pratt       | Wilson          |
| Dawida     | Kowalshyn      | Pucciarelli | Wogan           |
| Deal       | Kukovich       | Punt        | Wozniak         |
| Dietz      | Lashinger      | Rasco       | Wright, D. R.   |
| Dininni    | Laughlin       | Reber       | Wright, J. L.   |
| Dombrowski | Lehr           | Richardson  | Wright, R. C.   |
| Donatucci  | Lescovitz      | Rieger      |                 |
| Dorr       | Letterman      | Ritter      | Ryan,           |
| Duffy      | Levi           | Rybak       | Speaker         |
| Durham     |                |             |                 |

## NAYS—1

Grabowski

## NOT VOTING—9

|            |          |           |              |
|------------|----------|-----------|--------------|
| Cohen      | McIntyre | Noye      | Rocks        |
| Gannon     | Merry    | Rappaport | Williams, H. |
| Greenfield |          |           |              |

## EXCUSED—3

|        |       |        |
|--------|-------|--------|
| Kolter | Olasz | Zwikel |
|--------|-------|--------|

The question was determined in the affirmative, and the resolution was adopted.

## WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Harry Bittle, his son Tim Bittle, Derek Gutschall, Dave Keyser, and Scott Blackshire.

The Chair is also pleased to welcome to the hall of the House today as the guests of Representatives Wass and Livegood, Carson Greene and Louis McKelvey.

RESOLUTIONS ADOPTED  
CONTINUED

Mr. TAYLOR called up **HR 184, PN 3250**, entitled:

House urges Committee on Education investigate safety of pupil transportation in Albert Gallatin Area School District.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

May I speak briefly on the resolution?

The SPEAKER. The gentleman is in order.

Mr. TAYLOR. The need for this resolution is very paramount in my district. I have before me petitions containing over 900 signatures of residents of the Albert Gallatin Area School District in which they charge unsafe and unreliable bus

transportation for their children. I also have a news article from the local paper showing the citizens of that district picketing and asking for some type of investigation into those unsafe bus conditions that those children have to contend with.

I would ask this House to plead an affirmative vote on this resolution so that the standing Committee on Education may come into the Albert Gallatin Area School District and do an investigation to assure safe and reliable transportation for those children. Thank you, Mr. Speaker.

## REMARKS ON VOTE

The SPEAKER. Does the gentleman from Delaware, Mr. Gannon, desire recognition on the resolution?

Mr. GANNON. No, Mr. Speaker.

On HR 183 my switch was inoperable. I would like to be recorded in the affirmative.

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

## CONSIDERATION OF HR 184 CONTINUED

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Evans           | Lewis       | Rybak           |
| Anderson    | Fargo           | Livengood   | Salvatore       |
| Armstrong   | Fee             | Lloyd       | Saurman         |
| Arty        | Fischer         | Lucyk       | Serafini        |
| Barber      | Fleck           | McClatchy   | Seventy         |
| Belardi     | Foster, W. W.   | McMonagle   | Showers         |
| Belfanti    | Foster, Jr., A. | McVerry     | Shupnik         |
| Beloff      | Frazier         | Mackowski   | Sieminski       |
| Berson      | Freind          | Madigan     | Sirianni        |
| Bittle      | Fryer           | Maiale      | Smith, B.       |
| Blaum       | Gallagher       | Manderino   | Smith, E. H.    |
| Borski      | Gamble          | Manmiller   | Smith, L. E.    |
| Bowser      | Gannon          | Marmion     | Snyder          |
| Boyes       | Geist           | Merry       | Spencer         |
| Brandt      | George          | Michlovic   | Spitz           |
| Brown       | Gladeck         | Micozzie    | Stairs          |
| Burd        | Grabowski       | Miller      | Steighner       |
| Burns       | Gray            | Miscevich   | Stevens         |
| Caltagirone | Greenfield      | Moehlmann   | Stewart         |
| Cappabianca | Greenwood       | Morris      | Stuban          |
| Cawley      | Grieco          | Mowery      | Swaim           |
| Cessar      | Gruitza         | Mrkoncic    | Sweet           |
| Cimini      | Hagarty         | Mullen      | Swift           |
| Civera      | Haluska         | Murphy      | Taddonio        |
| Clark       | Harper          | Nahill      | Taylor, E. Z.   |
| Clymer      | Hasay           | Noye        | Taylor, F. E.   |
| Cochran     | Hayes           | O'Donnell   | Telek           |
| Colaella    | Heiser          | Oliver      | Tigue           |
| Cole        | Hoeffel         | Pendleton   | Trello          |
| Cordisco    | Honaman         | Perzel      | Van Horne       |
| Cornell     | Horgos          | Peterson    | Vroon           |
| Coslett     | Hutchinson, A.  | Petrarca    | Wachob          |
| Cowell      | Irviss          | Petrone     | Wambach         |
| Cunningham  | Itkin           | Phillips    | Wargo           |
| DeMedio     | Jackson         | Piccola     | Wass            |
| DeVerter    | Johnson         | Pievsky     | Wenger          |
| DeWeese     | Kanuck          | Pistella    | Weston          |
| Daikeler    | Kennedy         | Pitts       | Wiggins         |
| Davies      | Klingaman       | Pott        | Williams, J. D. |
| Dawida      | Kowalshyn       | Pratt       | Wilson          |
| Deal        | Kukovich        | Pucciarelli | Wogan           |



|            |           |            |               |
|------------|-----------|------------|---------------|
| Dietz      | Lashinger | Punt       | Wozniak       |
| Dininni    | Laughlin  | Rasco      | Wright, D. R. |
| Dombrowski | Lehr      | Reber      | Wright, J. L. |
| Donatucci  | Lescovitz | Richardson | Wright, R. C. |
| Dorr       | Letterman | Rieger     |               |
| Duffy      | Levi      | Ritter     | Ryan,         |
| Durham     | Levin     | Rocks      | Speaker       |
| Emerson    |           |            |               |

## NAYS—1

Gallen

## NOT VOTING—5

|        |          |           |              |
|--------|----------|-----------|--------------|
| Cohen  | McIntyre | Rappaport | Williams, H. |
| Gruppo |          |           |              |

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwilk |
|--------|-------|-------|

The question was determined in the affirmative, and the resolution was adopted.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, on HR 181, I would just like to submit some comments for the record. Thank you.

The SPEAKER. The gentleman is in order to do so and submit the same to the desk.

Mr. STEVENS submitted the following remarks for the Legislative Journal:

In June 1968 Senator Robert Kennedy was shot and killed in cold blood. After a fair trial, the assassin was convicted and sentenced to life imprisonment. A mere 14 years later, that assassin is seeking parole.

Senator Robert Kennedy was an outstanding public servant and dedicated family man.

It is a mockery of justice to allow the convicted assassin to be permitted parole.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS POSTPONED

The clerk of the Senate, being introduced, returned the following **HB 50, PN 3112**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that the House non-concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—5

|      |        |          |               |
|------|--------|----------|---------------|
| Arty | Durham | Serafini | Wright, J. L. |
| Cole |        |          |               |

## NAYS—187

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Fee             | Lewis       | Rocks           |
| Anderson    | Fischer         | Livengood   | Rybak           |
| Armstrong   | Fleck           | Lloyd       | Salvatore       |
| Barber      | Foster, W. W.   | Lucyk       | Saurman         |
| Belardi     | Foster, Jr., A. | McClatchy   | Seventy         |
| Belfanti    | Frazier         | McMonagle   | Showers         |
| Beloff      | Freind          | McVerry     | Shupnik         |
| Berson      | Fryer           | Mackowski   | Sieminski       |
| Bittle      | Gallagher       | Madigan     | Sirianni        |
| Blaum       | Gallen          | Maiale      | Smith, B.       |
| Borski      | Gamble          | Manderino   | Smith, E. H.    |
| Bowser      | Gannon          | Manmiller   | Smith, L. E.    |
| Boyes       | Geist           | Marmion     | Snyder          |
| Brandt      | George          | Merry       | Spencer         |
| Brown       | Gladeck         | Michlovic   | Spitz           |
| Burd        | Grabowski       | Micozzie    | Stairs          |
| Burns       | Gray            | Miller      | Steighner       |
| Caltagirone | Greenwood       | Miscevich   | Stevens         |
| Cappabianca | Grieco          | Moehlmann   | Stewart         |
| Cawley      | Gruitza         | Morris      | Suban           |
| Cessar      | Gruppo          | Mowery      | Swaim           |
| Cimini      | Hagarty         | Mrkonic     | Sweet           |
| Civera      | Haluska         | Mullen      | Swift           |
| Clark       | Harper          | Murphy      | Taddonio        |
| Clymer      | Hasay           | Nahill      | Taylor, E. Z.   |
| Cochran     | Hayes           | Noye        | Taylor, F. E.   |
| Colafella   | Heiser          | O'Donnell   | Telek           |
| Cordisco    | Hoeffel         | Oliver      | Tigue           |
| Cornell     | Honaman         | Pendleton   | Trello          |
| Coslett     | Horgos          | Perzel      | Van Horne       |
| Cowell      | Hutchinson, A.  | Peterson    | Vroon           |
| Cunningham  | Irviss          | Petrarca    | Wachob          |
| DeMedio     | Itkin           | Petrone     | Wambach         |
| DeVerter    | Jackson         | Phillips    | Wargo           |
| DeWeese     | Johnson         | Piccola     | Wass            |
| Daikeler    | Kanuck          | Pievsy      | Wenger          |
| Davies      | Kennedy         | Pistella    | Weston          |
| Dawida      | Klingaman       | Pitts       | Wiggins         |
| Deal        | Kowalshyn       | Pott        | Williams, J. D. |
| Dietz       | Kukovich        | Pratt       | Wilson          |
| Dininni     | Lashinger       | Pucciarelli | Wogan           |
| Dombrowski  | Laughlin        | Punt        | Wozniak         |
| Donatucci   | Lehr            | Rasco       | Wright, D. R.   |
| Dorr        | Lescovitz       | Reber       | Wright, R. C.   |
| Duffy       | Letterman       | Richardson  |                 |
| Emerson     | Levi            | Rieger      | Ryan,           |
| Evans       | Levin           | Ritter      | Speaker         |
| Fargo       |                 |             |                 |

## NOT VOTING—5

|            |          |           |              |
|------------|----------|-----------|--------------|
| Cohen      | McIntyre | Rappaport | Williams, H. |
| Greenfield |          |           |              |

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwilk |
|--------|-------|-------|

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

## WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Pendleton of Allegheny County, a group of 25 students together with 10 adults from the Crescent Elementary School in Pittsburgh, Pennsylvania.

**REQUEST FOR RECESS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I suggest that we recess the House at this time until 3 p.m. this afternoon.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority caucus chairman, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will caucus immediately on the adoption of the recess. I would ask all members to please attend promptly.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, we are pleased that the Republicans still need to caucus, and we will meet at 1:30 and the subject is the budget, 1:30. Thank you.

**RECESS**

The SPEAKER. Without objection, this House will stand in recess until 3 p.m. The Chair hears no objection.

**AFTER RECESS**

The time of recess having expired, the House was called to order.

**HR 183 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Grabowski, who moves that the vote by which HR 183 was passed on May 4, 1982, be reconsidered. The motion is seconded by the gentleman from Allegheny, Mr. Cowell.

On the question,

Will the House agree to the motion?

(A roll-call vote was taken.)

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, who asks that his name be added to the master roll call.

**CONSIDERATION OF HR 183 CONTINUED****VOTE RETAKEN**

The SPEAKER. The Chair regrets that due to a malfunction, that last vote was inoperative.

The question recurs, will the House reconsider the vote by which HR 183 was passed earlier this afternoon?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—192**

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Fargo           | Livengood   | Rocks           |
| Anderson    | Fee             | Lloyd       | Rybak           |
| Armstrong   | Fischer         | Lucyk       | Salvatore       |
| Arty        | Fleck           | McClatchy   | Saurman         |
| Barber      | Foster, W. W.   | McIntyre    | Serafini        |
| Belfanti    | Foster, Jr., A. | McMonagle   | Seventy         |
| Beloff      | Frazier         | McVerry     | Showers         |
| Berson      | Freind          | Mackowski   | Shupnik         |
| Bittle      | Fryer           | Madigan     | Sieminski       |
| Blaum       | Gallagher       | Maiale      | Sirianni        |
| Borski      | Gallen          | Manderino   | Smith, B.       |
| Bowser      | Gamble          | Manmiller   | Smith, E. H.    |
| Boyes       | Gannon          | Marmion     | Smith, L. E.    |
| Brandt      | Geist           | Merry       | Snyder          |
| Brown       | George          | Michlovic   | Spencer         |
| Burd        | Gladeck         | Micozzie    | Spitz           |
| Burns       | Grabowski       | Miller      | Stairs          |
| Caltagirone | Greenfield      | Miscevich   | Steighner       |
| Cappabianca | Greenwood       | Moehlmann   | Stevens         |
| Cawley      | Grieco          | Morris      | Stewart         |
| Cessar      | Gruitza         | Mowery      | Stuban          |
| Cimini      | Gruppo          | Mrkonc      | Swaim           |
| Civera      | Hagarty         | Mullen      | Sweet           |
| Clark       | Haluska         | Murphy      | Swift           |
| Clymer      | Harper          | Nahill      | Taddonio        |
| Cochran     | Hasay           | Noye        | Taylor, E. Z.   |
| Colafella   | Hayes           | O'Donnell   | Taylor, F. E.   |
| Cole        | Heiser          | Oliver      | Telek           |
| Cordisco    | Hoeffel         | Pendleton   | Tigue           |
| Cornell     | Honaman         | Perzel      | Trello          |
| Coslett     | Horgos          | Peterson    | Van Horne       |
| Cowell      | Hutchinson, A.  | Petrarca    | Vron            |
| Cunningham  | Irvic           | Petrone     | Wachob          |
| DeMedio     | Irkin           | Phillips    | Wambach         |
| DeVerter    | Jackson         | Piccola     | Wargo           |
| DeWeese     | Johnson         | Pievsky     | Wass            |
| Daikeler    | Kanuck          | Pistella    | Weston          |
| Davies      | Kennedy         | Pitts       | Wiggins         |
| Dawida      | Klingaman       | Pott        | Williams, J. D. |
| Deal        | Kowalshyn       | Pratt       | Wilson          |
| Dietz       | Kukovich        | Pucciarelli | Wogan           |
| Dininni     | Lashinger       | Punt        | Wozniak         |
| Dombrowski  | Laughlin        | Rappaport   | Wright, D. R.   |
| Donatucci   | Lehr            | Rasco       | Wright, J. L.   |
| Dorr        | Lescovitz       | Reber       | Wright, R. C.   |
| Duffy       | Letterman       | Richardson  |                 |
| Durham      | Levi            | Rieger      | Ryan,           |
| Emerson     | Levin           | Ritter      | Speaker         |
| Evans       | Lewis           |             |                 |

**NAYS—0****NOT VOTING—5**

|         |      |        |              |
|---------|------|--------|--------------|
| Belardi | Gray | Wenger | Williams, H. |
| Cohen   |      |        |              |

**EXCUSED—3**

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Grabowski.

Mr. GRABOWSKI. Thank you, Mr. Speaker.

I want the House members to know that the only reason I asked for this resolution to be reconsidered was because this morning I tried to get the attention of the Speaker to debate the resolution, and unfortunately, I did not before the vote was taken.

I rise to oppose this resolution. I believe it was introduced because of the Pennsylvania Game Commission's recent decision to hold the muzzleloader season earlier and to shorten it, and I believe that there is good reason for the commission to take this action. This past season, because of the severity, it had a devastating effect on the deer herd, and the commission, whose responsibility it is to care for the deer herd and make sure that it prospers, saw fit that in order to promote and protect the herd, it is best to shorten the season and change the time.

I believe there is good cause for the commission to take this action, and I believe it is proper. I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, I rise in support of the legislation. The farm communities in my district have a deep concern about the deer damage that is being caused through the deer herds throughout our particular county, and I would encourage my fellow colleagues on the floor to vote in favor of the legislation.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I take issue with the statements of the gentleman, Mr. Grabowski. I think that once again the Game Commission has acted without the proper input from the sportsmen and from the sportsmen's groups, and I believe that they ran pretty much roughshod over the wishes of the sportsmen. They even listed the massive protests that they had against the change in regulations which they proposed, and I think they took a noncompromising position in adopting those regulations as they did. I think that the sportsmen and the sportsmen's clubs want to have those regulations at least compromised back the way the season formerly stood. I would ask the membership to support the resolution.

The SPEAKER. The Chair recognizes the gentleman, Mr. Grabowski.

Mr. GRABOWSKI. Mr. Speaker, I would like to remind the members of the House that the Pennsylvania Game Commission stands second to none in the way it manages the deer herd as well as all the other game species in the Commonwealth. This is a proper decision that they have set forth.

As for Mr. Wass' comments, I believe that the members should keep in mind that at any time when deer are damaging farmers' crops, they can be destroyed by the farmers, regardless of the season. So I ask for a negative vote on this resolution.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—174

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Duffy           | Levin       | Serafini        |
| Anderson    | Durham          | Lewis       | Seventy         |
| Armstrong   | Evans           | Livengood   | Showers         |
| Arty        | Fargo           | Lloyd       | Shupnik         |
| Barber      | Fee             | Lucyk       | Sieminski       |
| Belardi     | Fischer         | McClatchy   | Sirianni        |
| Belfanti    | Fleck           | McIntyre    | Smith, B.       |
| Beloff      | Foster, W. W.   | McVerry     | Smith, E. H.    |
| Berson      | Foster, Jr., A. | Mackowski   | Smith, L. E.    |
| Bittle      | Frazier         | Madigan     | Snyder          |
| Blaum       | Freind          | Manmiller   | Spencer         |
| Borski      | Fryer           | Marmion     | Spitz           |
| Bowser      | Gallagher       | Micozzie    | Stairs          |
| Boyes       | Gallen          | Miller      | Steighner       |
| Brandt      | Gannon          | Miscevich   | Stevens         |
| Brown       | Geist           | Mochlmann   | Stewart         |
| Burd        | George          | Morris      | Stuban          |
| Burns       | Gladeck         | Mowery      | Sweet           |
| Caltagirone | Greenwood       | Mrkoncic    | Swift           |
| Cappabianca | Grieco          | Mullen      | Taddonio        |
| Cawley      | Gruitza         | Murphy      | Taylor, E. Z.   |
| Cessar      | Gruppo          | Nahill      | Taylor, F. E.   |
| Cimini      | Hagarty         | Oliver      | Telek           |
| Civera      | Haluska         | Perzel      | Tigue           |
| Clark       | Hasay           | Peterson    | Trello          |
| Clymer      | Hayes           | Petrarca    | Van Horne       |
| Cochran     | Heiser          | Petrone     | Vroon           |
| Colafella   | Hoeffel         | Phillips    | Wachob          |
| Cole        | Honaman         | Piccola     | Wambach         |
| Cordisco    | Horgos          | Pievsky     | Wargo           |
| Cornell     | Hutchinson, A.  | Pitts       | Wass            |
| Coslett     | Jackson         | Pott        | Wenger          |
| Cowell      | Johnson         | Pratt       | Weston          |
| Cunningham  | Kanuck          | Pucciarelli | Wiggins         |
| DeMedio     | Kennedy         | Punt        | Williams, J. D. |
| DeVerter    | Klingaman       | Rappaport   | Wilson          |
| Daikeler    | Kowalyshyn      | Rasco       | Wogan           |
| Davies      | Kukovich        | Reber       | Wozniak         |
| Dawida      | Lashinger       | Rieger      | Wright, D. R.   |
| Dietz       | Laughlin        | Ritter      | Wright, J. L.   |
| Dininni     | Lehr            | Rocks       | Wright, R. C.   |
| Dombrowski  | Lescovitz       | Rybak       |                 |
| Donatucci   | Letterman       | Salvatore   | Ryan,           |
| Dorr        | Levi            | Saurman     | Speaker         |

## NAYS—15

|            |        |           |            |
|------------|--------|-----------|------------|
| Deal       | Harper | Merry     | Pistella   |
| Gamble     | Irvis  | Michlovic | Richardson |
| Grabowski  | Itkin  | O'Donnell | Swaim      |
| Greenfield | Maiale | Pendleton |            |

## NOT VOTING—8

|         |         |           |              |
|---------|---------|-----------|--------------|
| Cohen   | Emerson | McMonagle | Noye         |
| DeWeese | Gray    | Manderino | Williams, H. |

## EXCUSED—3

|        |       |        |
|--------|-------|--------|
| Kolter | Olasz | Zwinkl |
|--------|-------|--------|

The question was determined in the affirmative, and the resolution was adopted.

## HB 50 RECONSIDERED

The SPEAKER. The Chair recognizes the majority leader, who moves that the vote by which the Senate amendments to HB 50, PN 3112, were nonconcurrent in on the 4th day of May be reconsidered, the motion being seconded by the gentleman from Allegheny, Mr. Cessar.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

|             |                 |             |                 |
|-------------|-----------------|-------------|-----------------|
| Alden       | Fargo           | Lloyd       | Salvatore       |
| Anderson    | Fec             | Lucyk       | Saurman         |
| Armstrong   | Fischer         | McClatchy   | Serafini        |
| Arty        | Fleck           | McIntyre    | Seventy         |
| Barber      | Foster, W. W.   | McMonagle   | Showers         |
| Belardi     | Foster, Jr., A. | McVerry     | Shupnik         |
| Belfanti    | Frazier         | Madigan     | Sieminski       |
| Beloff      | Freind          | Maiale      | Sirianni        |
| Berson      | Fryer           | Manderino   | Smith, B.       |
| Bittle      | Gallagher       | Manmiller   | Smith, E. H.    |
| Blaum       | Gallen          | Marmion     | Smith, L. E.    |
| Borski      | Gamble          | Merry       | Snyder          |
| Bowser      | Gannon          | Michlovic   | Spencer         |
| Boyes       | Geist           | Micozzie    | Spitz           |
| Brandt      | George          | Miller      | Stairs          |
| Brown       | Gladeck         | Miscevich   | Steighner       |
| Burd        | Grabowski       | Moehlmann   | Stevens         |
| Burns       | Greenfield      | Morris      | Stewart         |
| Caltagirone | Greenwood       | Mowery      | Stuban          |
| Cappabianca | Grieco          | Mrkonic     | Swaim           |
| Cawley      | Gruitza         | Mullen      | Sweet           |
| Cessar      | Gruppo          | Murphy      | Swift           |
| Cimini      | Hagarty         | Nahill      | Taddonio        |
| Civera      | Haluska         | Noye        | Taylor, E. Z.   |
| Clark       | Harper          | O'Donnell   | Taylor, F. E.   |
| Clymer      | Hasay           | Oliver      | Telek           |
| Cochran     | Hayes           | Pendleton   | Tigue           |
| Colafella   | Heiser          | Perzel      | Trello          |
| Cole        | Hoeffel         | Peterson    | Van Horne       |
| Cordisco    | Honaman         | Petrarca    | Vroon           |
| Cornell     | Horgos          | Petrone     | Wachob          |
| Coslett     | Irvic           | Phillips    | Wambach         |
| Cowell      | Itkin           | Piccola     | Wargo           |
| Cunningham  | Jackson         | Pievsky     | Wass            |
| DeMedio     | Johnson         | Pistella    | Wenger          |
| DeVerter    | Kanuck          | Pitts       | Weston          |
| DeWeese     | Kennedy         | Pott        | Wiggins         |
| Daikeler    | Klingaman       | Pratt       | Williams, J. D. |
| Davies      | Kowalshyn       | Pucciarelli | Wilson          |
| Dawida      | Kukovich        | Punt        | Wogan           |
| Deal        | Lashinger       | Rappaport   | Wozniak         |
| Dietz       | Laughlin        | Rasco       | Wright, D. R.   |
| Dininni     | Lehr            | Reber       | Wright, J. L.   |
| Dombrowski  | Lescovitz       | Richardson  | Wright, R. C.   |
| Donatucci   | Letterman       | Rieger      |                 |
| Dorr        | Levi            | Ritter      | Ryan,           |
| Duffy       | Lewis           | Rocks       | Speaker         |
| Durham      | Livengood       | Rybak       |                 |

NAYS—0

NOT VOTING—8

|         |       |                |              |
|---------|-------|----------------|--------------|
| Cohen   | Evans | Hutchinson, A. | Mackowski    |
| Emerson | Gray  | Levin          | Williams, H. |

EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would urge the House to nonconcur in HB 50 and send it to a conference committee. The bill provides for what is

known as a Good Samaritan technique for those people who come into a spill or a cleanup of a hazardous substance. This is an extraordinary kind of measure and I think will have very, very terrible implications, and you ought to look at it real carefully.

The issue is who is liable or who has the risk of harm for the negligence involved if somebody is negligent in the cleanup of a hazardous substance. At the moment, that liability, that risk of harm, would rest with the person who is negligent, and arguably also with those people who are the principals or the employers of that person coming in doing the cleaning up.

The motivation behind the bill is a good one. It attempts to get chemical companies and other people with expertise in on the scene of a cleanup as quickly as possible. I have no quibble with the intention of the bill. However, in every type of injury, you necessarily have to look at who bears the risk of harm. If there is a spill in downtown Harrisburg, a truck is coming through Harrisburg bearing chemicals or some other hazardous substance, an accident occurs, and there is a spill; someone comes on the scene to deal with that spill, and they are negligent in the way they do that; as a result of that negligence, somebody is injured—it can be just a passerby; a child walking down the street suffers that injury—the question is, on whom is the risk of that harm? If this bill goes through, the person who is negligent will be relieved of their liability, and so will the chemical companies, the transporters, and everyone else who is involved. The risk of harm will devolve solely and entirely on the person who is harmed. Aside from the inequity of that result, the person walking down the street is the person least capable of coping with the risk that that hazardous substance creates.

If we have decided in this society that we need hazardous substances—and I think we do—there necessarily is a risk created. How are we going to deal with that risk, and who is going to bear it? It seems to me that there are a number of ways of handling that risk through normal commercial channels, through indemnifications, through insurance, through a whole series of techniques that are available without the necessity of providing this kind of shield around the negligent participant, and the worst thing we can do is to shift that risk of harm to the person who is injured.

I believe there are other techniques that are available to deal with this problem, and I think that those techniques could be worked out in a conference committee. Accordingly, I urge you to nonconcur.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Thank you, Mr. Speaker.

I would urge the House to concur in this bill. What this bill does, contrary to what the previous speaker said, is for those concerns that manufacture or deal in hazardous waste, to have an expert set up in that area to deal with these circumstances, so that if an accident does occur, the person or the company nearest that accident can dispatch an individual who is well educated in this field to give expert advice as to how best to handle the situation. This individual does not participate in the handling of the cleanup of this toxic waste; he only

gives directions in communications. These are experts, and it is done for the benefit of the health and safety of the persons and also the environment of the Commonwealth. For us to deny these volunteers—they are not paid—an immunity in such a case would immediately detract and not make them available.

So I think it is important that we pass this measure. It is badly needed. Again, it only concerns the volunteers who are expert in this field, and they are also, in case of gross negligence or willful misconduct, liable for any damages that may occur or injuries to the person. I urge a "yes" vote on concurrence.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to urge nonconcurrence, and I urge the members to pay attention to my recitation of a conversation that I have had with the State Fire Commissioner. He is of the opinion, as the gentleman, Mr. Lashinger, had suggested when we considered this bill before, that the wording of this bill will inadvertently strip the volunteer firemen and the paid firemen of their immunity when they go out to the scene of an accident involving hazardous waste. His advice was that we ought to nonconcur in this bill and at least hold up the legislation until corrective language can be devised. I do not think that we want to be in the business of taking immunity away from people who have some skill in this field and placing immunity on our volunteer firemen and our paid firemen.

The State Fire Commissioner also said that to the best of his knowledge, this bill did not originate with the Pennsylvania Emergency Management Agency or with his office. In fact, when I discussed the bill with him, he was familiar with a prior printer's number about two or three printer's numbers ago. Now, I see the gentleman, Mr. Wright, rising. It may be that somebody has more recent information on this, but the last conversation I had with Commissioner Henry was that this bill has some potential defects. I share that view, and I think we ought to nonconcur for that reason.

However, the comments of the gentleman, Mr. Spencer, seem to me to give us a second reason for nonconcurring, because what it sounds as though is being done is that all of the hazardous waste handlers in the State are getting together and agreeing to divide up responsibility around the State geographically. Then what will happen is if an accident happens in my part of the State, the company assigned to that part of the State in emergency will take care of that particular hazard, and if it happens in the other end of the State, the company assigned to that area will be responsible. But in no case will anybody receive any profit out of this, so consequently, they are going to be immunized. What this really is is a substitution of the hazardous waste generator or transporter's obligations. He is getting away from his obligations by letting somebody else who has skill in the field take responsibility and avoid immunity.

Mr. Speaker, for those two reasons I would urge nonconcurrence. Send this bill back to conference. Clean up the language. Determine what the demand for this bill is, and if there

is such demand, then bring it back to the House with that explanation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. J. L. WRIGHT. Very briefly, I urge concurrence in the Senate amendments to HB 50. The best legal advice available to me indicates that this does not affect any of the immunities that are now enjoyed by other volunteers. In addition, the Pennsylvania Emergency Management Agency in a conversation as late as this afternoon had no problems with the bill. They had completely reviewed it, straightened up in their minds any problems they had in their thinking prior to, and at this point are offering no objections to the bill. I urge concurrence.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Very briefly, Mr. Speaker, we are not taking issue here with anybody's motivation. The critical point here is, if you pass this bill, you will be in the unique position where you have taken the folks coming from the chemical companies off the hook and the people you left on the hook are the volunteer fire departments, the city police, and the tow truck driver who comes out there to try and deal with that situation. The guys you have taken off the hook are the guys who came out from the corporate structure, albeit as volunteers. You are going to put yourself in a real unique situation. It is a bad bill.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, what the last gentleman said is just not true. When a trucker picks up this material from, say, DuPont or wherever, the minute he picks up those goods, he is liable, not DuPont. It is the trucker who is liable or the trucking company, so this does not do that.

Secondly, I would like to reiterate that it does not relieve the immunity of firemen. This is only in the case of those persons who are technical volunteers, assuming they do not get any remuneration, and the volunteers, as I said before, would not be immune from liability for civil damages as a result of gross negligence or willful misconduct. So do not let the sand be thrown in your eyes about the volunteer firemen or the chemical companies being taken off the hook. It is not so.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, the last speaker suggested that someone is throwing sand in someone's eyes. Mr. Speaker, I do not think that kind of comment is necessary, and I would like to point out to the gentleman why I think this bill is legally deficient and why I think he does not know what he is talking about.

Now, if you would look at the bill on page 4, lines 10 through 12, it says, under the exclusions in this bill, that the immunities provided shall not apply to any person who is under a legal duty to respond to the incident. Now, a paid fire department or a paid police department should certainly be under a legal duty to respond. At least arguably a volunteer

fire department is under a similar duty, and at the very least, once it gets to the scene, not knowing what was there when it left the hall, if it turned around and walked away, it would be arguably an abrogation of its legal responsibility. Now, the gentleman might say, well, there is another provision of law that takes care of that. Then I invite his attention to page 3, lines 25 and 26, which is the beginning of this section on civil immunity, and it says, "Notwithstanding any provision of law to the contrary...." Now, what that suggests is that any other more general grant of immunity to volunteer and paid firemen and policemen is being abrogated by this language, and if you are not specifically spelled out in this section dealing with immunity in this precise case, you do not have any.

I do not understand what the great rush is to pass this bill and why we cannot clean up that language and specifically include language which gives the immunity that everybody in this chamber wants to give to the policemen and firemen. I urge a "no" vote.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

#### YEAS—97

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Durham          | McClatchy | Smith, B.     |
| Anderson   | Fargo           | McVerry   | Smith, E. H.  |
| Armstrong  | Fischer         | Mackowski | Smith, L. E.  |
| Arty       | Foster, W. W.   | Madigan   | Snyder        |
| Belardi    | Foster, Jr., A. | Manmiller | Spencer       |
| Bittle     | Frazier         | Merry     | Spitz         |
| Bowser     | Freind          | Micozzie  | Stairs        |
| Boyes      | Gallen          | Mowery    | Stevens       |
| Brandt     | Gannon          | Noye      | Swift         |
| Burd       | Geist           | Perzel    | Taddonio      |
| Burns      | Gladeck         | Peterson  | Taylor, E. Z. |
| Cessar     | Grieco          | Petrarca  | Taylor, F. E. |
| Cimini     | Gruppo          | Phillips  | Telek         |
| Civera     | Hasay           | Piccola   | Vroon         |
| Clark      | Hayes           | Pitts     | Wass          |
| Clymer     | Heiser          | Pott      | Wenger        |
| Cochran    | Honaman         | Punt      | Weston        |
| Coslett    | Horgos          | Rasco     | Wilson        |
| Cunningham | Johnson         | Ritter    | Wogan         |
| DeVerter   | Kennedy         | Salvatore | Wright, J. L. |
| Daikeler   | Klingaman       | Saurman   | Wright, R. C. |
| Davies     | Lashinger       | Serafini  |               |
| Dietz      | Lehr            | Seventy   | Ryan,         |
| Dininni    | Levi            | Sieminski | Speaker       |
| Dorr       | Lewis           | Sirianni  |               |

#### NAYS—95

|             |                |           |            |
|-------------|----------------|-----------|------------|
| Barber      | Fee            | Lloyd     | Rappaport  |
| Belfanti    | Fleck          | Lucyk     | Reber      |
| Beloff      | Fryer          | McIntyre  | Richardson |
| Berson      | Gallagher      | McMonagle | Rieger     |
| Blaum       | Gamble         | Maiale    | Rocks      |
| Borski      | George         | Manderino | Rybak      |
| Brown       | Grabowski      | Marmion   | Showers    |
| Caltagirone | Greenfield     | Michlovic | Shupnik    |
| Cappabianca | Gruitza        | Miller    | Steighner  |
| Cawley      | Hagarty        | Miscevich | Stewart    |
| Cohen       | Haluska        | Moehlmann | Stuban     |
| Colafella   | Harper         | Morris    | Swaim      |
| Cole        | Hoeffel        | Mrkonie   | Sweet      |
| Cordisco    | Hutchinson, A. | Mullen    | Tigue      |
| Cornell     | Irviss         | Murphy    | Trello     |
| Cowell      | Itkin          | Nahill    | Van Horne  |
| DeMedio     | Jackson        | O'Donnell | Wachob     |

|            |           |             |                 |
|------------|-----------|-------------|-----------------|
| DeWeese    | Kowalshyn | Oliver      | Wambach         |
| Dawida     | Kukovich  | Pendleton   | Wargo           |
| Deal       | Laughlin  | Petrone     | Wiggins         |
| Dombrowski | Lescovitz | Pievsy      | Williams, J. D. |
| Donatucci  | Letterman | Pistella    | Wozniak         |
| Duffy      | Levin     | Pratt       | Wright, D. R.   |
| Evans      | Livengood | Pucciarelli |                 |

#### NOT VOTING—5

|         |           |        |              |
|---------|-----------|--------|--------------|
| Emerson | Greenwood | Kanuck | Williams, H. |
| Gray    |           |        |              |

#### EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolier | Olasz | Zwikl |
|--------|-------|-------|

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 517, PN 3233**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for eligibility to the office of school director and for annual reports by State-owned colleges and the State-owned university and prohibiting certain reduced payments for certain activities of school districts.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I urge a nonconcurrence, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would the gentleman, Mr. Hayes, consent to interrogation?

Mr. HAYES. Yes, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, can you tell the House your reasons for asking a nonconcurrence in HB 517?

Mr. HAYES. Yes. When the bill left this House of Representatives, there were only a couple new lines, and they have sent it back with several new lines, and I think that we should take a look at that matter in conference.

Mr. MANDERINO. Is it not possible that we could take a look at that language without sending it to conference? We do not certainly send every bill to conference that has new language in it.

Mr. HAYES. That is possible, but as majority leader, I prefer to send it to conference.

Mr. MANDERINO. Well, that may be.

Can I ask you another question, Mr. Speaker? Could your reason for sending this to conference be that you want to add into this bill a distribution of \$72 million of school subsidy money?

Mr. HAYES. Yes, Mr. Speaker.

Mr. MANDERINO. Ah. Do you have any idea what the distribution of that money is going to be, Mr. Speaker?

Mr. HAYES. After the conference committee has met and discussed the matter, we will all know.

Mr. MANDERINO. Mr. Speaker, it seems to me that the distribution of \$72 million in new moneys to the school districts across this Commonwealth is a serious enough matter that we ought not to be faced with a "yes" or "no" vote, which is what we will be faced with if you go to conference and bring that bill back from conference with that kind of a distribution formula in it. Do you think that is fair to the members of this House?

Mr. HAYES. I am sure that the conference committee will bring back to this House of Representatives a fair distribution of that money.

Mr. MANDERINO. Thank you, Mr. Speaker.

I would like to make a comment, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MANDERINO. Mr. Speaker, I would urge every member who wants an input on how \$72 million in new money is going to be distributed to school districts across this Commonwealth to vote "yes" and concur in the Senate amendments to HB 517 or else you will have no input; you will not have a chance to discuss it; you will not have a chance to amend it; you will not have a chance to have your ideas come forth. You will simply have a chance of voting whether or not you want the formula that four Republicans write in the bill to apply to your school district.

Now, I am appealing not only to all Democrats to vote "yes" but to those Republicans who have some concern about the manner in which we do important things without proper input in the House of Representatives to vote "yes" so this vehicle is removed from the vehicles that can possibly provide for that kind of a gag to the members of this House on their ideas and their input.

Mr. Speaker, it is my understanding that circulated among Republican members already is a printout for the distribution of \$72 million. That is my understanding. I do not know whether that is correct or not. Maybe Mr. Hayes can tell us whether or not that is correct. And maybe it is only Mr. Hayes' proposal on how the \$72 million should be distributed, but it would seem to be that his ideas ought to be shared with every member of this House, and they should not end up adopted in a conference committee as the budget bill that we will have before us today was adopted in the conference committee, in a very few minutes, without proper input to elected members, and certainly in the Senate without the bill even being in print and the language of the bill being known to any of the Senators who voted on the floor of the Senate.

Mr. Speaker, I urge an affirmative vote by every member of this House; otherwise, you may find that your school district may not fare as well as you think it ought to in the distribution of the \$72 million of new school moneys that appear as a line item in the budget that will be considered here this afternoon. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—93

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Barber      | Evans          | Lloyd       | Rieger          |
| Belfanti    | Fee            | Lucyk       | Ritter          |
| Beloff      | Fryer          | McIntyre    | Rocks           |
| Berson      | Gallagher      | McMonagle   | Rybak           |
| Blaum       | Gamble         | Majale      | Seventy         |
| Borski      | George         | Manderino   | Showers         |
| Brown       | Grabowski      | Michlovic   | Shupnik         |
| Caltagirone | Greenfield     | Miscevich   | Steighner       |
| Cappabianca | Gruitza        | Morris      | Stewart         |
| Cawley      | Haluska        | Mrkoncic    | Stuban          |
| Clark       | Harper         | Mullen      | Swaim           |
| Cohen       | Hoeffel        | Murphy      | Sweet           |
| Colafella   | Horgos         | O'Donnell   | Taylor, F. E.   |
| Cole        | Hutchinson, A. | Oliver      | Tigue           |
| Cordisco    | Irvic          | Pendleton   | Trello          |
| Cowell      | Itkin          | Petrarca    | Van Horne       |
| DeMedio     | Kowalshyn      | Petrone     | Wachob          |
| DeWeese     | Kukovich       | Pievskey    | Wambach         |
| Dawida      | Laughlin       | Pistella    | Wargo           |
| Deaf        | Lescovitz      | Pratt       | Wiggins         |
| Dombrowski  | Letterman      | Pucciarelli | Williams, J. D. |
| Donatucci   | Levin          | Rappaport   | Wozniak         |
| Duffy       | Livengood      | Richardson  | Wright, D. R.   |
| Emerson     |                |             |                 |

## NAYS—101

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fargo           | Lewis     | Sieminski     |
| Anderson   | Fischer         | McClatchy | Sirianni      |
| Armstrong  | Fleck           | McVerry   | Smith, B.     |
| Arty       | Foster, W. W.   | Mackowski | Smith, E. H.  |
| Belardi    | Foster, Jr., A. | Madigan   | Smith, L. E.  |
| Birtle     | Frazier         | Manmiller | Snyder        |
| Bowser     | Freind          | Marmion   | Spencer       |
| Boyes      | Gallen          | Merry     | Spitz         |
| Brandt     | Gannon          | Micozzie  | Stairs        |
| Burd       | Geist           | Miller    | Stevens       |
| Burns      | Gladeck         | Moehlmann | Swift         |
| Cessar     | Greenwood       | Mowery    | Taddonio      |
| Cimini     | Grieco          | Nahill    | Taylor, E. Z. |
| Civera     | Gruppo          | Noye      | Telek         |
| Clymer     | Hagarty         | Perzel    | Vroon         |
| Cochran    | Hasay           | Peterson  | Wass          |
| Cornell    | Hayes           | Phillips  | Wenger        |
| Coslett    | Heiser          | Piccola   | Weston        |
| Cunningham | Honaman         | Pitts     | Wilson        |
| DeVerter   | Jackson         | Pott      | Wogan         |
| Daikeler   | Johnson         | Punt      | Wright, J. L. |
| Davies     | Kennedy         | Rasco     | Wright, R. C. |
| Dietz      | Klingaman       | Reber     |               |
| Dininni    | Lashingier      | Salvatore | Ryan,         |
| Dorr       | Lehr            | Saurman   | Speaker       |
| Durham     | Levi            | Serafini  |               |

## NOT VOTING—3

|      |        |              |
|------|--------|--------------|
| Gray | Kanuck | Williams, H. |
|------|--------|--------------|

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

### MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. HAYES moved that the House insist upon its nonconcurrence in Senate amendments to **HB 517, PN 3233**, and that

a committee of conference on the part of the House be appointed.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

#### APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 517, PN 3233:  
Messrs. HAYES, BURNS and GALLAGHER.  
Ordered, That the clerk inform the Senate accordingly.

#### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MANDERINO. Does not the bill, once we nonconcur in Senate amendments, go back to the Senate to give them an opportunity to recede from the amendments that they put in before a conference committee is appointed?

The SPEAKER. The appointment of the conferees by the House does not preclude the Senate from receding from its amendments and allowing the bill to become law with the signature of the Governor.

Mr. MANDERINO. Well, why did we go out of order? I heard you say that the Senate was to be informed that the House insisted on its nonconcurrence. Does that not come after the Senate either decides to recede or not recede?

The SPEAKER. The motion was that the House insist upon its nonconcurrence in the amendments of the Senate to that particular bill.

Mr. MANDERINO. Is not, Mr. Speaker, our insistence a matter that comes after they refuse to recede?

The SPEAKER. It is not necessary that it happen in that order. Very often it does.

Mr. MANDERINO. Mr. Speaker, did the House insist on its nonconcurrence, and how did we insist on our nonconcurrence?

The SPEAKER. We just took a vote on that.

Mr. MANDERINO. Well, was it a voice vote? I do not remember the vote being put.

The SPEAKER. That is correct.

Mr. MANDERINO. What is correct, that we took a voice vote?

The SPEAKER. That we took a voice vote. The Chair recognized that the affirmative vote prevailed and announced its decision.

Mr. MANDERINO. Mr. Speaker, I ask for a roll-call vote on the matter.

The SPEAKER. The question before the House is on the motion of the gentleman, Mr. Hayes, that the House insist upon its nonconcurrence in the amendments of the Senate to HB 517. On that question, those in favor of the motion of the

gentleman, Mr. Hayes, will vote "aye"; those opposed, in the negative.

On the question recurring,  
Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—101

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Durham          | Levi      | Serafini      |
| Anderson   | Fargo           | Lewis     | Sieminski     |
| Armstrong  | Fischer         | McClatchy | Sirianni      |
| Arty       | Fleck           | McVerry   | Smith, B.     |
| Belardi    | Foster, W. W.   | Mackowski | Smith, E. H.  |
| Bittle     | Foster, Jr., A. | Madigan   | Smith, L. E.  |
| Bowser     | Frazier         | Manmiller | Snyder        |
| Boyes      | Freind          | Marmion   | Spencer       |
| Brandt     | Gallen          | Merry     | Spitz         |
| Burd       | Gannon          | Micozzie  | Stevens       |
| Burns      | Geist           | Müller    | Swift         |
| Cessar     | Gladeck         | Moehlmann | Taddonio      |
| Cimini     | Greenwood       | Mowery    | Taylor, E. Z. |
| Civera     | Grieco          | Nahill    | Telek         |
| Clymer     | Gruppo          | Noye      | Vroon         |
| Cochran    | Hagarty         | Perzel    | Wass          |
| Cohen      | Hasay           | Peterson  | Wenger        |
| Cornell    | Hayes           | Phillips  | Weston        |
| Coslett    | Heiser          | Piccola   | Wilson        |
| Cunningham | Honaman         | Pitts     | Wogan         |
| DeVerter   | Jackson         | Pott      | Wright, J. L. |
| Daikeler   | Johnson         | Punt      | Wright, R. C. |
| Davies     | Kennedy         | Rasco     |               |
| Dietz      | Klingaman       | Reber     | Ryan,         |
| Dininni    | Lashinger       | Salvatore | Speaker       |
| Dorr       | Lehr            | Saurman   |               |

#### NAYS—93

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Barber      | Fee            | Lucyk       | Ritter          |
| Belfanti    | Fryer          | McIntyre    | Rocks           |
| Beloff      | Gallagher      | McMonagle   | Rybak           |
| Berson      | Gamble         | Maiale      | Seventy         |
| Blaum       | George         | Manderino   | Showers         |
| Borski      | Grabowski      | Michlovic   | Shupnik         |
| Brown       | Greenfield     | Miscevich   | Stairs          |
| Caltagirone | Gruitza        | Morris      | Steighner       |
| Cappabianca | Haluska        | Mrkonc      | Stewart         |
| Cawley      | Harper         | Mullen      | Stuban          |
| Clark       | Hoeffel        | Murphy      | Swaim           |
| Colafella   | Horgos         | O'Donnell   | Sweet           |
| Cole        | Hutchinson, A. | Oliver      | Taylor, F. E.   |
| Cordisco    | Irvic          | Pendleton   | Tigue           |
| Cowell      | Itkin          | Petrarca    | Trello          |
| DeMedio     | Kowalyshyn     | Petrone     | Van Horne       |
| DeWeese     | Kukovich       | Pievsky     | Wachob          |
| Dawida      | Laughlin       | Pistella    | Wambach         |
| Deal        | Lescovitz      | Pratt       | Wargo           |
| Dombrowski  | Letterman      | Pucciarelli | Wiggins         |
| Donatucci   | Levin          | Rappaport   | Williams, J. D. |
| Duffy       | Livengood      | Richardson  | Wozniak         |
| Emerson     | Lloyd          | Rieger      | Wright, D. R.   |
| Evans       |                |             |                 |

#### NOT VOTING—3

|      |        |              |
|------|--------|--------------|
| Gray | Kanuck | Williams, H. |
|------|--------|--------------|

#### EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the affirmative, and the motion was agreed to.



### APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 517, PN 3233**:

Messrs. **HAYES, BURNS** and **GALLAGHER**.

Ordered, That the clerk inform the Senate accordingly.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Misceovich. For what purpose does the gentleman rise?

Mr. MISCEVICH. I would like to have my vote recorded in the affirmative on **HB 50**.

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

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, May 3, 1982

**RESOLVED**, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 24, 1982 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, May 24, 1982 unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

#### YEAS—192

|             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Alden       | Evans           | Livengood | Rocks         |
| Anderson    | Fargo           | Lloyd     | Rybak         |
| Armstrong   | Fee             | Lucyk     | Salvatore     |
| Arty        | Fischer         | McClatchy | Saurman       |
| Barber      | Fleck           | McIntyre  | Serafini      |
| Belardi     | Foster, W. W.   | McMonagle | Seventy       |
| Belfanti    | Foster, Jr., A. | McVerry   | Showers       |
| Beloff      | Frazier         | Mackowski | Shupnik       |
| Berson      | Freind          | Madigan   | Sieminski     |
| Bittle      | Fryer           | Maiale    | Sirianni      |
| Blaum       | Gallagher       | Manderino | Smith, B.     |
| Borski      | Gallen          | Manmiller | Smith, E. H.  |
| Bowser      | Gamble          | Marmion   | Smith, L. E.  |
| Boyes       | Gannon          | Merry     | Snyder        |
| Brandt      | Geist           | Michlovic | Spencer       |
| Brown       | George          | Micozzie  | Spitz         |
| Burd        | Gladeck         | Miller    | Stairs        |
| Burns       | Grabowski       | Miscevich | Steighner     |
| Caltagirone | Greenfield      | Moehlmann | Stevens       |
| Cappabianca | Greenwood       | Morris    | Stewart       |
| Cawley      | Grieco          | Mowery    | Stuban        |
| Cessar      | Gruitza         | Mrkonjic  | Swaim         |
| Cimini      | Gruppo          | Mullen    | Swift         |
| Civera      | Hagarty         | Murphy    | Taddonio      |
| Clark       | Haluska         | Nahill    | Taylor, E. Z. |
| Clymer      | Harper          | Noye      | Taylor, F. E. |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Cochran    | Hasay          | O'Donnell   | Telek           |
| Cohen      | Hayes          | Oliver      | Tigue           |
| Colafella  | Heiser         | Pendleton   | Trello          |
| Cole       | Hoeffel        | Perzel      | Van Horne       |
| Cordisco   | Honaman        | Peterson    | Vroon           |
| Cornell    | Horgos         | Petrarca    | Wachob          |
| Cowell     | Hutchinson, A. | Petrone     | Wambach         |
| Cunningham | Irviss         | Phillips    | Wargo           |
| DeMedio    | Itkin          | Piccola     | Wass            |
| DeVerter   | Jackson        | Pievsky     | Wenger          |
| DeWeese    | Johnson        | Pistella    | Weston          |
| Daikeler   | Kanuck         | Pitts       | Wiggins         |
| Davies     | Kennedy        | Pott        | Williams, J. D. |
| Dawida     | Klingaman      | Pratt       | Wilson          |
| Deal       | Kowalyshyn     | Pucciarelli | Wogan           |
| Dietz      | Kukovich       | Punt        | Wozniak         |
| Dininni    | Lashinger      | Rappaport   | Wright, D. R.   |
| Dombrowski | Laughlin       | Rasco       | Wright, J. L.   |
| Donatucci  | Lehr           | Reber       | Wright, R. C.   |
| Dorr       | Lescovitz      | Richardson  |                 |
| Duffy      | Levi           | Rieger      | Ryan,           |
| Durham     | Levin          | Ritter      | Speaker         |
| Emerson    | Lewis          |             |                 |

NAYS—0

NOT VOTING—5

|         |           |       |              |
|---------|-----------|-------|--------------|
| Coslett | Letterman | Sweet | Williams, H. |
| Gray    |           |       |              |

EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### SUPPLEMENTAL CALENDAR A REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 929, PN 1896**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1982 to June 30, 1983, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; providing for an appropriation for the fiscal period July 1, 1982 to June 30, 1983 from the Lottery Fund for aging programs; itemizing appropriations required from the Motor License Fund for the fiscal period July 1, 1982 to June 30, 1983 for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; itemizing appropriations of the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth; establishing restricted receipts accounts for the fiscal period July 1, 1982 to June 30, 1983 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; providing additional funds for various departments of the Commonwealth for the fiscal period July 1, 1981 to June 30, 1982; providing additional General Fund appropriations from funds reserved from fiscal year 1980-1981 and providing additional appropriations from the Federal augmentation funds for the fiscal period July 1, 1981 to June 30, 1982.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to oppose the adoption of the Committee of Conference Report on SB 929, PN 1896. My remarks will be hopefully brief and prayerfully listened to. I am not here to point the finger at the Speaker of the House or the majority leader. I am willing to admit that as a former majority leader I have been in the same situation as the present one, but I am going to protest the manner in which this budget bill has been brought before this House.

I heard a member on our side say that this was a smart thing to do. It is not. A democracy, Mr. Speaker, is a clumsy and incompetent form of government, but it is the best form of government that man has evolved in 25,000 years. There are smart ways to do things and there are right ways to do things, and this is the wrong way. I do not care whether Republicans do it or Democrats do it; it is wrong to produce on the floor of this House a 143-page budget bill with approximately \$10 billion in it to be spent without either the Senate or the House having had an opportunity to debate or amend that bill. I believe this is the first time that that situation has obtained. There have been other times when one House had debated the bill and the other had been denied, but I believe there has never been a situation where the general appropriation bill has not been debated with a chance of amendment by either the Senate or the House of Representatives.

I am perfectly willing to cry mea culpa, but that will not solve the problem, and I am asking the Republicans to hear me as well as Democrats. You are not guaranteed that you will be in control of this House of Representatives after the November election. You may or you may not be. Eventually you will not be, for history has not given to either party the complete dominance of this House. Eventually Democrats, whether I be that Democrat or someone else, will lead the Democratic Party on the floor of this House. Then the problem will be how to pass a budget, and some Democrat will say, we ought not to pass a budget on a conference committee report, and some other Democrat will say, yes, but the Republicans did that to us.

Human beings get into these vicious circles. We see the bloody result of one that has been going on for almost 2,000 years in the Middle East. And although ours is not a bloody one, ours is antidemocratic. We will do to you what you did to us, and you will do to us what we did to you, and the circle keeps turning.

There are 83 members on the floor of this House who have served either 2 years or 4 and have never had an opportunity to offer an amendment to a general appropriation bill. I would defy any more than four or five members on this floor—and four or five is a high number—to stand and swear under oath that they know what is in this bill; they know how it affects their constituents. I would not be one of those four or five.

I saw this bill in print for the first time at approximately 1 o'clock this afternoon, and in 5 hours' time there is no way for me to understand everything that is in this bill, and yet I am going to be asked to vote for it. I cannot do that, Mr. Speaker, and I cannot see how any other responsible member of this House can do it.

Mr. Speaker, I know that our constituents are not concerned with the machinery of the House of Representatives, with the methodology, and perhaps my member was right when he said it is a smart way to do it, meaning clever, but clever is not always right.

All of the members of this House, Mr. Speaker, ought to have an opportunity to offer amendments, if they wish to, to a general appropriation bill, and it is wrong, patently wrong, to say to these members, you will vote for 10 billion dollars' worth of expenditures for what you will not be told and for what impact you do not know.

### MOTION TO SUSPEND RULES

Mr. IRVIS. Mr. Speaker, in order to give the members an opportunity to offer amendments to this committee of conference report, it will be necessary to suspend the rules, for the rules of the House do not allow us to offer amendments. Therefore, Mr. Speaker, I move that the rules of this House be suspended so that amendments may be offered on the floor of this House to the Committee of Conference Report to SB 929. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Irvis, that the rules of the House be suspended to permit the amendment of a conference committee report.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I must oppose the gentleman's motion.

The SPEAKER. Does the gentleman, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker, I do.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RITTER. Mr. Speaker, this will mark the fourth year that we are attempting to pass a budget by shutting out the rank-and-file members of this House. I do not need to remind anybody, Mr. Speaker, this is an election year. If you are willing to go home and say to your constituents that once again, once again you decided that you did not want any input, you did not need any input in the budget document, then you are going to vote against the motion to suspend. But for those of you who are telling your constituents that this is not the right way to do it, that there ought to be a better way to pass a budget, that in effect you really do not appreciate and do not like the way this budget is being passed—and that applies to members on both sides of the aisle—then I would ask you to put your vote where your mouth is and vote to suspend the rules so we have an opportunity to have some legislative input to establish legislative priorities in how this

budget is going to be passed. Mr. Speaker, I ask for an affirmative vote to suspend the rules.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I also rise to ask for consideration of the members to ask to vote in favor of suspension of the rules, and I do so for several reasons. One, today I would cite the fact that there are many persons in this Commonwealth who are less fortunate than those who have decided in either their wisdom or their stupidity to tell us that we should in fact vote a budget without having any consideration. I think that those persons in this Commonwealth who are in fact less fortunate will look at us in probably dismay to say to many of our own constituents that we would hope that perhaps maybe you will look at this thoroughly before you would make a decision on voting without having some type of input and an opportunity to look at a 143-page document.

Thirdly, it would seem to me that the manner in which we have been operating in this House always sets, at least in my mind, that there are persons in this Commonwealth who are watching us to determine whether or not we have any scruples about us and whether or not we are willing to stand the test, even if it means against our own party sometime, to stand up for what we principally believe in and we know is correct.

It is very easy, of course, to say that we have all the troops in line and that there is no reason or need to go through this debate, but it seems to me that there are persons at least who have come here who represent constituencies like myself who feel that being denied that process and opportunity to be able to stand on the floor of this House and express his or her views concerning the budget matter and input for amendments is not being afforded us at this time.

For those reasons, Mr. Speaker, as well as the reasons already enumerated by the other speakers, I would ask that the House sincerely consider the fact that this is capricious, as far as I am concerned, this goes beyond all the scope of reasonableness, and it does not meet at all with the kind of decorum that seemingly was had in this House when I first came here in 1973. And if we are serious about our direction in terms of how we are supposed to represent people in this Commonwealth, then, of course, your conscience must be your guide. If you want to steamroll people and not give them an opportunity to speak on something as perplexed and as compound as this budget and feel that you do not need to have people discuss it, then you will vote against this motion to suspend. But if you do not and you have compassion in your heart for those in this Commonwealth who cannot fend for themselves and do need a voice, then perhaps maybe you will open up your heart this evening and give all of those members in this House of Representatives who want to an opportunity to amend this budget. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I regret having to rise to speak at this hour. However, I must rise and speak in support of the

motion to suspend the rules. I do that impassionately, Mr. Speaker, because I am one of those freshmen who came here with bright eyes, with high hopes and great expectations. The people whom I represent sent me here because they thought in some way that I might come here and reflect their feelings in this great House. And it disturbs me, Mr. Speaker, that 58,000 people were told that in this democratic process they would not have to come here but I could speak on their behalf, but then when I look at the process today, what can I go back and tell the people whom I represent? Are you saying to me that I must tell them, that is perfectly all right; you did not have a right to even participate?

Mr. Speaker, I have looked at figures that I am not quite sure that my colleagues even who are a part of the other team understand, and that is kind of sad that somehow the general public will know that they are paying for over 200 of us to sit here in this House and vote on issues that we do not know what we are voting on.

I have looked at some things in this bill that even go beyond that which was even requested by the Governor, and many of you will be even voting on that, not knowing what it is or how it got there. Well, Mr. Speaker, I hope that many of you who will be voting not to suspend the rules will certainly search your conscience when people will ask you why, ask you why you voted for this budget. I hope you can explain to them, because I must be very frank and very honest. This will be one of the few times that I will have to say in all honesty that I cannot tell my constituents. I cannot tell them what is in this budget on their behalf.

I would hope those of you who are now in power would pay heed to something that was said by our previous speaker, our minority leader. It is all right to take advantage of people today. It is all right to abuse all of the laws and all of the rules, but, Mr. Speaker, those of us who have power and begin to dictatorially use that power and begin to use that power recklessly will someday end up destroying you.

The general populace of Pennsylvania looks to us for leadership. They look for us to act responsibly, and I say to you, it is irresponsible for a group of people, intelligent, some of you are lawyers, doctors, teachers, nurses, lay people, and even you would take a document that even you do not know what is in that document. Even you, those of you who are in the majority party, have had not much more say about this bill than I have, and yet you intelligent-looking people, people who have come from all kinds of universities of this great Commonwealth, will sit here like robots and vote for something that you do not even know what you are voting on. Well, Mr. Speaker, I hope, I hope when you go back home, when you face your family, you can explain how you could do what you are attempting to do today. I hope that you will pray and somehow somebody or something will give you the courage to explain to your constituents, because I certainly hope they will ask you questions.

Why would you just vote for something because you were told that you ought to do it? Then if we are going to do that, maybe we better begin to look around to see how many people ought to be here in this great House.

As I conclude, Mr. Speaker, I just somehow believe that when this House was established, it was intended that there would be more compassion and more concern, and I had believed that there would be responsibility placed on the shoulders of all of us that we would not sit here and callously and recklessly vote for something that we had no knowledge of what we were doing. I hope, Mr. Speaker, that those of you who have committed yourselves earlier will now change your minds and do what is right. You may fool us here on the floor; you may fool many people who are here recording this process, but I tell you when you go back to your rooms and when you go to those dark places and you are there by yourselves, then, Mr. Speaker, you will have to look yourselves in the eye. I wonder, will you be pleased with what you see, because somehow what you are doing now I do not believe you see it. I do not believe that you have the compassion to feel it, and I would hope, Mr. Speaker, that you now would join us in suspending the rules so that the populace of Pennsylvania will again have the kind of respect for us, knowing that we are concerned about what happens in this Commonwealth for all of the people and not just for a few people under the guise of a party label. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—93

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Barber      | Evans          | Lloyd       | Rieger          |
| Belfanti    | Fee            | Lucyk       | Ritter          |
| Beloff      | Fryer          | McIntyre    | Rocks           |
| Berson      | Gallagher      | McMonagle   | Rybak           |
| Blaum       | Gamble         | Maiale      | Seventy         |
| Borski      | George         | Manderino   | Showers         |
| Brown       | Grabowski      | Michlovic   | Shupnik         |
| Caltagirone | Greenfield     | Miscevich   | Steighner       |
| Cappabianca | Gruitza        | Morris      | Stewart         |
| Cawley      | Haluska        | Mrkonic     | Stuban          |
| Clark       | Harper         | Mullen      | Swaim           |
| Cohen       | Hoeffel        | Murphy      | Sweet           |
| Colafella   | Horgos         | O'Donnell   | Taylor, F. E.   |
| Cole        | Hutchinson, A. | Oliver      | Tigue           |
| Cordisco    | Irvis          | Pendleton   | Trello          |
| Cowell      | Itkin          | Petrarca    | Van Horne       |
| DeMedio     | Kowalshyn      | Petrone     | Wachob          |
| DeWeese     | Kukovich       | Pievsky     | Wambach         |
| Dawida      | Laughlin       | Pistella    | Wargo           |
| Deal        | Lescovitz      | Pratt       | Wiggins         |
| Dombrowski  | Letterman      | Pucciarelli | Williams, J. D. |
| Donatucci   | Levin          | Rappaport   | Wozniak         |
| Duffy       | Livengood      | Richardson  | Wright, D. R.   |
| Emerson     |                |             |                 |

#### NAYS—101

|           |                 |           |               |
|-----------|-----------------|-----------|---------------|
| Alden     | Fargo           | Lewis     | Sieminski     |
| Anderson  | Fischer         | McClatchy | Sirianni      |
| Armstrong | Fleck           | McVerry   | Smith, B.     |
| Arty      | Foster, W. W.   | Mackowski | Smith, E. H.  |
| Belardi   | Foster, Jr., A. | Madigan   | Smith, L. E.  |
| Bittle    | Frazier         | Manmiller | Snyder        |
| Bowser    | Freind          | Marmion   | Spencer       |
| Boyce     | Gallen          | Merry     | Spitz         |
| Brandt    | Gannon          | Micozzie  | Stairs        |
| Burd      | Geist           | Miller    | Stevens       |
| Burns     | Gladeck         | Moehlmann | Swift         |
| Cessar    | Greenwood       | Mowery    | Taddonio      |
| Cimini    | Grieco          | Nahill    | Taylor, E. Z. |
| Civera    | Gruppo          | Noye      | Telek         |
| Clymer    | Hagarty         | Perzel    | Vroon         |

|            |            |           |               |
|------------|------------|-----------|---------------|
| Cochran    | Hasay      | Peterson  | Wass          |
| Cornell    | Hayes      | Phillips  | Wenger        |
| Coslett    | Heiser     | Piccola   | Weston        |
| Cunningham | Honaman    | Pitts     | Wilson        |
| DeVerter   | Jackson    | Pott      | Wogan         |
| Daikeler   | Johnson    | Punt      | Wright, J. L. |
| Davies     | Kennedy    | Rasco     | Wright, R. C. |
| Dietz      | Klingaman  | Reber     |               |
| Dininni    | Lashingier | Salvatore | Ryan,         |
| Dorr       | Lehr       | Saurman   | Speaker       |
| Durham     | Levi       | Serafini  |               |

#### NOT VOTING—3

|      |        |              |
|------|--------|--------------|
| Gray | Kanuck | Williams, H. |
|------|--------|--------------|

#### EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwilk |
|--------|-------|-------|

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I am not disappointed. I figured what the vote would be, on party lines. That has been a curse in Pennsylvania politics for a long time, and I suppose I cannot overcome it in my lifetime.

Mr. Speaker, I want to make it very clear, as the leader of the Democratic Party on the floor of this House, I have instructed my caucus that we are not here to obstruct the passage of the bill. We recognize that the budget must be passed. We would willingly join with the Republican Party to pass the budget as early as we possibly can, and we had hoped that we would be able to join with you on a knowledgeable basis, but you have denied that to us.

Consequently, Mr. Speaker, I regret to inform the majority leader that I have asked all members of the Democratic Party to vote in the negative on this committee of conference report, not just for the methodology of letting it reach the floor, but because of the fact that in the 6 hours that we have had to examine this bill, the experts on our staff have convinced me that it is in many aspects substantively a very bad bill and that it is a bill which is calculated to finance this Commonwealth for approximately 9 months. I would predict to you here that those of you who vote in favor of this committee of conference bill will eventually be faced with a question of whether or not you are willing to finance the deficits which will surely follow the adoption of this budget. I caution you that I will not vote so to finance those deficits without first having been considered as a full-time member of this team on the floor of this House. Consequently, I shall vote in the negative on the question, and I urge a negative vote. Thank you, Mr. Speaker.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has been asked to make an announcement. Apparently there are a number of cars parked on State Street near Third, and shortly there will be chemical

spraying in that area which could be harmful to the exterior paint of those cars. The cars are parked illegally, evidently. Fortunately, none belong to any of our members, but should anyone in the gallery or within the sound of the Speaker's voice hear their name called, I suggest they quickly move their car - Aero Corporation, Willard Gantt, Ronald Hanson, Anne Shriver, and a car from the city of Philadelphia.

### CONSIDERATION OF SB 929 CONTINUED CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like to raise the motion of constitutionality on this bill and make some brief remarks in support of that motion.

The SPEAKER. The gentleman is in order.

The question before the House is the question raised by the gentleman, Mr. Kukovich, as to the constitutionality of the conference committee report.

*On the question,*

Will the House sustain the constitutionality of the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, as most of the members know, I have raised this question before. What I am suggesting today is that the argument that this conference committee report is unconstitutional is even stronger. My reasons for saying that are that again I feel that we have violated Article III, section 1, of the Pennsylvania Constitution, because according to that section, "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

Mr. Speaker, this is a classic example of the violation of that article of our Constitution, because what we have done, as we have done last year and in the past, is taken a conference committee report—a bill which originally was a deficiency appropriation for a current budget year—and amended into it the general appropriations budget for the next fiscal year. It is even worse this time and even raises the question of a violation of Article III, section 3, because it adds substantive language and adds other sections. The block grant language and all the Federal augmentation money is placed into this bill, and even the highway maintenance money is put into this bill. So to the best of my knowledge, at least as long as I have been here, that has never occurred.

Along with those arguments, Mr. Speaker, I have to make the general argument of a violation of the 14th amendment of the Constitution and Article I, section 1, of the Pennsylvania Constitution in that equal protection under the law is being denied, and we are being disenfranchised - we as individual legislators who have no chance to have any input into the spending of this money and those 58,000-plus constituents who elected us, for whom we are supposed to speak on these matters of paramount fiscal importance.

Mr. Speaker, for those reasons I would ask those members to uphold their oath of office by voting that this bill is unconstitutional and trying to get back to a truly representative version of what an appropriations bill should be. I would ask for a "yes" vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

I just want to echo briefly what I think was a very fine argument by Representative Kukovich.

I do not think there is any doubt in anyone's mind here, if they really look at the Constitution of Pennsylvania, not only Article III, section 1, but also sections 3 and 11 of that same article, that we are doing gross and crass damage to Pennsylvania's Constitution tonight. You are lumping all of the various budget bills that ordinarily we consider separately - Motor License Fund, General Fund budget, Federal augmentation bills and the like - all together in one bill. I do not think that can be justified, and I think Mr. Kukovich has given you excellent legal reasoning behind that.

But let me just mention to you the reason why we have that constitutional provision and why you ought not violate it tonight. Many of you may be in support of the General Fund budget, but I think you are going to be alarmed to find out some things about the PennDOT (Pennsylvania Department of Transportation) budget.

Many of you may support the Thornburgh General Fund budget, but you are not going to want to be tagged with supporting all of the President Reagan programs. Many of you would like to keep the lottery funds going to senior citizens instead of to bureaucracy, but because you are doing damage to the Constitution tonight, you are going to have to put up one vote for all of those things. There is wisdom in that Constitution which says that a bill should only contain one subject. I know general appropriations bills are the exception, but here you are going over and above the general appropriations bill and adding all sorts of other substantive language and other appropriations from other funds. It is wrong. I think you know it is wrong. I think you are going to regret doing it, and I would echo Mr. Kukovich's remarks and ask that the entire House vote that this proposal is unconstitutional.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I would add a further point on the unconstitutionality of this bill. We all know that every bill should contain in its title the subject matter within the bill. I ask you to look at the title and then look on page 1, part 1, general provisions, "This act shall be known and may be cited as the 'General Appropriation Act of 1982.' " There is nothing to this effect in the title.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. MCCLATCHY. Mr. Speaker, I oppose the motion of unconstitutionality.

The SPEAKER. The question before the House deals with constitutionality. Those who believe the conference committee report to be constitutional will vote in the affirmative; those who believe it to be unconstitutional will vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the report of the committee of conference?

The following roll call was recorded:

## YEAS—99

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fischer         | McClatchy | Sieminski     |
| Anderson   | Foster, W. W.   | McVerry   | Sirianni      |
| Armstrong  | Foster, Jr., A. | Mackowski | Smith, B.     |
| Arty       | Frazier         | Madigan   | Smith, E. H.  |
| Belardi    | Freind          | Manmiller | Smith, L. E.  |
| Bittle     | Gallen          | Marmion   | Snyder        |
| Bowser     | Gannon          | Merry     | Spencer       |
| Boyes      | Geist           | Micozzie  | Spitz         |
| Brandt     | Gladeck         | Miller    | Stairs        |
| Burd       | Greenwood       | Moehlmann | Stevens       |
| Burns      | Grieco          | Mowery    | Swift         |
| Cessar     | Gruppo          | Nahill    | Taddonio      |
| Cimini     | Hagarty         | Noye      | Taylor, E. Z. |
| Civera     | Hasay           | Perzel    | Telek         |
| Clymer     | Hayes           | Peterson  | Vroon         |
| Cochran    | Heiser          | Phillips  | Wass          |
| Cornell    | Honaman         | Piccola   | Wenger        |
| Coslett    | Jackson         | Pitts     | Weston        |
| Cunningham | Johnson         | Pott      | Wilson        |
| DeVerter   | Kennedy         | Punt      | Wogan         |
| Daikeler   | Klingaman       | Rasco     | Wright, J. L. |
| Davies     | Lashinger       | Reber     | Wright, R. C. |
| Dietz      | Lehr            | Salvatore |               |
| Dininni    | Levi            | Saurman   | Ryan,         |
| Dorr       | Lewis           | Serafini  | Speaker       |
| Durham     |                 |           |               |

## NAYS—93

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Barber      | Evans          | Lloyd       | Rieger          |
| Belfanti    | Fee            | Lucyk       | Ritter          |
| Beloff      | Fryer          | McIntyre    | Rocks           |
| Berson      | Gallagher      | McMonagle   | Rybak           |
| Blaum       | Gamble         | Maiale      | Seventy         |
| Borski      | George         | Manderino   | Showers         |
| Brown       | Grabowski      | Michlovic   | Shupnik         |
| Caltagirone | Greenfield     | Miscevich   | Steighner       |
| Cappabianca | Gruitza        | Morris      | Stewart         |
| Cawley      | Haluska        | Mrkonie     | Stuban          |
| Clark       | Harper         | Mullen      | Swaim           |
| Cohen       | Hoeffel        | Murphy      | Sweet           |
| Colafrilla  | Horgos         | O'Donnell   | Taylor, F. E.   |
| Cole        | Hutchinson, A. | Oliver      | Tigue           |
| Cordisco    | Irvic          | Pendleton   | Trello          |
| Cowell      | Itkin          | Petrarca    | Van Horne       |
| DeMedio     | Kowalshyn      | Petrone     | Wachob          |
| DeWeese     | Kukovich       | Pievsky     | Wambach         |
| Dawida      | Laughlin       | Pistella    | Wargo           |
| Deal        | Lescovitz      | Pratt       | Wiggins         |
| Dombrowski  | Letterman      | Pucciarelli | Williams, J. D. |
| Donatucci   | Levin          | Rappaport   | Wozniak         |
| Duffy       | Livengood      | Richardson  | Wright, D. R.   |
| Emerson     |                |             |                 |

## NOT VOTING—5

|       |      |        |              |
|-------|------|--------|--------------|
| Fargo | Gray | Kanuck | Williams, H. |
| Fleck |      |        |              |

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the report of the committee of conference was sustained.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like Mr. McClatchy to stand for some interrogation, please.

The SPEAKER. The gentleman, Mr. McClatchy, indicates he will stand for interrogation. The gentleman may begin.

Mr. KUKOVICH. Mr. Speaker, I have some various concerns with certain aspects of this budget which I have had some time to look at. One in particular deals with legal services. Now, it appears that under the title 20 social services Federal block grant, the entire appropriation of \$6,873,000 has been wiped out. In the line item of our State budget—I believe that is sequence No. 579—the entire amount has also been excluded. Now, Mr. Speaker, it appears that that money is going to be placed into a social services adult services block, but nowhere within any of these documents do I find any language that commits the expenditure of those moneys on legal services. Would you tell me if that money is to be expended for legal services, and, if so, how that is justified?

Mr. McCLATCHY. This is a mini-block grant to the counties, and they have that decision to make themselves.

Mr. KUKOVICH. So, Mr. Speaker, you are saying that there is no directive or no guidelines from the State as to how that money would be spent. Is that true?

Mr. McCLATCHY. That is the nature of a block grant.

Mr. KUKOVICH. So what you are saying is that if the counties so decide, there would be absolutely no legal services in this State. Is that a possibility?

Mr. McCLATCHY. No; in that county. It would not be in the State. It is a county-by-county decision.

Mr. KUKOVICH. I will rephrase my question, Mr. Speaker. If the counties which have this discretion—and they all do, according to your answer—decide not to use money in the adult services block for legal services, then there could be potentially no money available for legal services. Is that true?

Mr. McCLATCHY. Potentially. I do not think that will happen, but potentially.

Mr. KUKOVICH. Mr. Speaker, is it not true that of the Federal money that came down, about \$6,462,000 of that was to be earmarked for legal services? Was that not the original intention?

If you would take a look, Mr. Speaker, at the amount of money placed in the social services adult placement section—it is under title 20; it is under the Federal appropriations comparison of 1981-82 to 1982-83—\$12,927,000 was supposed to be expended.

Mr. McCLATCHY. I think that is about right.

Mr. KUKOVICH. I am sorry; I could not hear your response.

Mr. McCLATCHY. I say I think that is about right.

Mr. KUKOVICH. Now, out of that amount, sir, is it not true that \$6,462,000, or roughly a little less than half of that, was to be for legal services? Was that not the original intention?

Mr. McCLATCHY. No. This is a legislative decision, and it is still available.

Mr. KUKOVICH. Mr. Speaker, under the Omnibus Budget Reconciliation Act, was there not supposed to be a public report as to how that money would be spent? Is that so?

Mr. McCLATCHY. I believe there will be by the department, yes.

Mr. KUKOVICH. And there was such a report, was there not, sir?

Mr. McCLATCHY. Yes; there was one.

Mr. KUKOVICH. And nowhere in that report was there any mention of putting legal services moneys into an adult services block, was there?

Mr. McCLATCHY. This legislature now is making that decision, and it is up to the counties to make that decision then.

Mr. KUKOVICH. Well, I would suggest then that we are in violation of the Omnibus Budget Reconciliation Act, Mr. Speaker. I will comment on that further. I have no further questions about the legal services money.

I do have a question, however, about the block grants, the Federal block grants. If you have before you that Federal appropriations comparison, I just have some very brief questions about that.

In both the small cities community development block and the community services block grant, a large amount of funds were wiped out of the programs of administration. Could you tell me where that money will be deleted from? What will be cut? We cannot tell from the paper before us.

Mr. McCLATCHY. Would you want to repeat that? I am not aware we are cutting anything. Repeat the question, please.

Mr. KUKOVICH. Mr. Speaker, it is my belief, just taking the small cities community development block grant, for example, in the block in which we are currently operating, \$45 million was allocated for this program in community affairs. In the current bill that we will be voting on, that amount will be reduced by \$10,796,000. I am wondering what effect that will have, what programs will be cut.

Mr. McCLATCHY. We will have \$10 million less money. That is due to the Federal cuts.

Mr. KUKOVICH. I am aware of that, Mr. Speaker. What I want to know is, what effect will that \$10 million in cuts have? But my point is that before we vote on this document, before I vote on this document, I want to know what I am doing, and I cannot tell from what we see before us. Can you give us any indication what that \$10-million-plus cut in the small cities block grant will do?

Mr. McCLATCHY. It is a Federal reduction. Obviously we will be able to do less. I am not going to spar with you over this kind of thing. It is quite obvious what is going to happen.

Mr. KUKOVICH. Mr. Speaker, if that is your response, I am not going to ask—There are some similar questions about different blocks. If you do not know the answers, I will not quibble about that.

I would still like to ask some questions about the social services block grant, however. Mr. Speaker, there is a reduction from the Federal Government, just in the title 20 social services block, that deals with aging, aging for social services. Now, that has been cut back \$1,142,000. Can you tell me how many people will be affected by this?

Mr. McCLATCHY. Because of the substitution we have in the bill, we hope no one will be hurt by it.

Mr. KUKOVICH. Can you tell me where that substitution is within the State budget, sir?

Mr. McCLATCHY. It is on page 51 of the bill.

Mr. KUKOVICH. Mr. Speaker, in the title 20 social services section for county administration, there has been a cut of \$8,296,000. I believe also there has been a State cut in that same area. I believe that is sequence 547. Now, is that going to mean additional layoffs of personnel within the counties? And can you tell us what effect that will have?

Mr. McCLATCHY. I believe in sequence 547, or in the general appropriation bill, we go from last year of \$137,500,000, roughly, to \$159 million. That is a substantial increase.

Mr. KUKOVICH. Are you saying that there will be no impact on these county administration programs then?

Mr. McCLATCHY. We are saying we think we have enough to fund the program. We have given them a substantial increase.

Mr. KUKOVICH. Okay. Thank you.

It appears there have been cuts in the day-care section under title 22, Mr. Speaker, and that seems to amount to about \$4,503,000. Now, I have some information that that means about 2,000 children will lose day-care services in this State. Can you respond to that, please?

Mr. McCLATCHY. Again, that is a Federal cut that we have no control over.

Mr. KUKOVICH. I am sorry; I could not hear your response.

Mr. McCLATCHY. I said that is a Federal cut.

Mr. KUKOVICH. Yes; I am aware of that. I am repeating Federal cuts to you, sir. I want to know what effect that has on the State. Is it true that about 2,000 children will be without day-care services because of those Federal cuts?

Mr. McCLATCHY. Not necessarily.

Mr. KUKOVICH. Thank you.

Mr. Speaker, it appears that the Governor's suggested allocation or allotment of Federal block grant money—and I believe the Governor went to Washington, D.C., in behalf of the President's budget—from the figures I have before me, it seems that the difference between what the Governor's suggested allocation was and the actual dollars that we are receiving from the Federal Government, that there is a loss of about \$2,500,000, so that the figures I have been reading from are probably underestimated. Is that an accurate statement?

Mr. McCLATCHY. I am not sure where you are getting the numbers from. I am not aware of that.

Mr. KUKOVICH. Mr. Speaker, is it not true that in the aftermath of what Secretary Lieberth's committee had done and what the Governor had proposed in terms of Federal block grant money, that there is a discrepancy between what he had wanted and what we have actually received and that that is not actually reflected in the documents that we have been given?

Mr. McCLATCHY. These are the best estimates we have in respect to the Federal budget.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have no more questions about the block grant money. I do have a few other specific questions, however, and I will keep it very brief.

On page 90 of the report of the committee of conference, there is about \$450,000 on a day-care monitoring project. Now, to the best of my knowledge, that is a matter of first impression in this State. It is a new expenditure, and there is no language that really explains what that is for or how that will be done.

Mr. McCLATCHY. I think the bill explains it simply. If you want further information, I will certainly get it for you. That process is one we really have not much control over. They apply for that grant. If they are approved for that grant, we get the money. The only thing the legislature can do is cut it out if we do not want it.

Mr. KUKOVICH. You are saying we have no control over that. Who does have control over that project, that half a million dollars?

Mr. McCLATCHY. The Congress of the United States. The Federal Government.

Mr. KUKOVICH. Do you mean the Federal Government is going to be conducting a day-care monitoring program in our State?

Mr. McCLATCHY. No; that is not what I said. We have applied for that grant under their rules and regulations. The grant was approved. We received the money. That program will be conducted by the Department of Public Welfare in accordance with the Federal rules and regulations. The only thing—

Mr. KUKOVICH. All right. That was the response I wanted.

If the Department of Public Welfare will handle it, I assume they will promulgate regulations dealing with it. Is that so?

Mr. McCLATCHY. In accordance with the Federal grant proviso.

Mr. KUKOVICH. Thank you very much.

A question about child welfare which I think is particularly ironic, Mr. Speaker, because we had before us this week SB 348, which purports to try to solve the problem of child abuse. I see in sequence No. 568 that there has been a cut of \$2 million in payments to the county for that. Is that true, sir?

Mr. McCLATCHY. No. We have an increase from last year. We went from \$99 million roughly to \$104 million. We feel that is a sufficient increase to run that program properly.

Mr. KUKOVICH. I was talking about the cut from what the Governor proposed.

Mr. McCLATCHY. The Governor proposed a 13-percent increase, and we are giving them a 10-percent increase.

Mr. KUKOVICH. Mr. Speaker, in sequence No. 135, which deals with the general operations of the Department of Commerce, I cannot find any language in the document, although there was language in the Governor's proposed budget, that would use portions of that money under sequence 135 to pay for and continue the establishment of foreign offices in Tokyo, Mexico City, London, Paris, places like that. Is that money still intended to be used that way?

Mr. McCLATCHY. That is correct.

Mr. KUKOVICH. Mr. Speaker, in sequence No. 174.5, I believe that is a new item. I cannot understand what that is to be used for. Could you tell me?

Mr. McCLATCHY. It is community and economic development. It is a new program that will provide training, particularly for the minority youth, for jobs in areas that show potential for growth in the future. It is advanced technology. It will provide technical and financial assistance, loans for the establishment of neighborhood assistance, economic and community development organizations. Such efforts have been successful in Baltimore and other cities. This is a new program, as I suggested, and will be very closely monitored.

Mr. KUKOVICH. Which department will have the authority to do that?

Mr. McCLATCHY. Community Affairs.

Mr. KUKOVICH. Mr. Speaker, in sequence No. 414 is the subject of disease treatment. Now, the money has been taken out of the disease treatment services and specified down below in the following sequence numbers, 415 on down through, but it appears that there has been a large cut from that figure, and I am wondering where the savings in money of disease treatment is going. What is actually being cut there?

Mr. McCLATCHY. There has been no cut at all. Everyone has gotten a slight increase.

Mr. KUKOVICH. Mr. Speaker, if I could run through that again.

On sequence 414—

Mr. McCLATCHY. I understand where you are coming from. I am saying to you, we separated that item, and if you go carefully through the following sequences, you are missing a couple. They have all been broken out. They are all covered, and all have gotten a slight increase.

Mr. KUKOVICH. You are saying they actually do add up? All right; I will check that separately.

Mr. Speaker, just one more question. Towards the end of the document in sequence 751, in the section of members' salaries and Speaker's extra compensation, how is that extra \$134,000 to be spent?

Mr. McCLATCHY. That is because of the increase in the cost to the members of Blue Cross and Blue Shield, paid prescription, and so forth. It is not an increase in salary or anything else.

Mr. KUKOVICH. Okay; that is what I wanted to know. We are not in any way giving an increase in salary or expense account in this document?



Mr. McCLATCHY. Not at all. This is an ordinary cost of the program to the House.

Mr. KUKOVICH. Thank you, Mr. Speaker. I have no further questions. I do have a brief comment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. KUKOVICH. Mr. Speaker, I am concerned about this budget for a number of reasons. I feel like this is *deja vu*, and I feel as if I should probably simply read the statement that I made on the floor last year. I do not think anybody in this chamber doubts that I am sincerely concerned about the procedure used to bring this budget document about. I am not going to expound on that, because I think some other members will articulate that argument quite well. But there are a few things I think we should point out, and I think if any members have any doubt in their minds at this time of the evening as to how they are going to vote, I would like them to dwell on these particular points before the vote.

Mr. Speaker, what we are doing with legal services is unconscionable. It has been bad enough these last few years, the cuts we have made. The fact that I have had constituents who have come to my office, who have not been able to receive services, the fact that we are hurting the working poor, and the fact that this budget and the way it deals with legal services is making the statement that destroys the concept of equal justice throughout the Commonwealth. What we are faced with is that some counties, depending on their fiscal situation, depending upon, perhaps, the political ideology of their commissioners, *are going to decide maybe to keep legal services*, but more than likely they will not. We are faced with the dichotomy of in one county perhaps having some limited legal services for the poor and in a neighboring county having absolutely none. If that does not breed disrespect for our system of justice and if that does not breed disrespect for the budgetmaking process of this Commonwealth, then nothing does. I think for that reason alone we should vote "no" on this budget.

I also think, from the responses to my interrogatories of the chairman of the Appropriations Committee, that we are in violation of Federal law if we vote for this budget. We are violating notice requirements contained in various areas of the Omnibus Budget Reconciliation Act of 1981. I am also suggesting that the figures we have before us on block grants have been severely underfunded. We are actually about \$2,500,000 short over figures that we have actually seen, if any of you have had the opportunity to see them yet. I am also suggesting that we are again abdicating our responsibility in the type of ambiguous language that you approve if you vote "yes" on this document. We are talking about millions and millions of dollars that are going to be spent with no guidelines, with no parameters from us at all. *If this thing passes and you go home and your constituents begin to complain because some department or some bureaucrat is spending money in some absurd fashion, you deserve responsibility for that, because we have the opportunity in this document to tighten it up, but if we vote "yes," we give up that right.*

Mr. Speaker, I think already some serious questions have been raised. I am sure my colleagues are going to raise many more serious questions about this. I have said before, and it will probably be reiterated during the course of the evening, but I do not think we should let our legislative powers be usurped. I do not think we in good conscience can abdicate our responsibility as individual members of this House and as representatives of over 58,000 people back home.

All I am asking for, Mr. Speaker, is a "no" vote. This is the earliest we have ever voted on a budget. For the first time we are not actually under the gun. We do not have a deadline facing us of hours away or even days away. We have weeks, Mr. Speaker, weeks to deal with this budget. I think everybody in this chamber knows that this is a bad budget, that the figures are faulty, that we are going to wreak havoc with social service programs and do much damage to the poor of this State. Mr. Speaker, just last week, I think in a bipartisan fashion, we dealt with a package of important legislation. I do not know what the fear is on the other side of the aisle to let us have a little input into this process. I am willing to say that, yes, there are problems with this budget. I think priorities can be rearranged. Why do you not give us an opportunity to share in that process, to share in the blame if it is a faulty budget or share in the praise if we can work it out together? If you think that you have worked out the budget by ramming SB 929 through in this fashion, I think you are sorely mistaken.

Mr. Speaker, all I am really asking for is a little time, just to buy a little time after the primary and during June to work this out so that we do not damage any more people. I stood here last June 10 debating a budget, and in that 11-month period since then, I have seen a lot of damage. I am sure that if any of you have been in your district offices and have had the sensitivity to see the constituents who have come before you who have been plagued by problems that we could have solved last June and did not do it because we were concerned about being politically expedient and only passing a budget quickly, if you have *any vestige of humanity about those constituents*, you have to give us a little more time to come up with an accurate and fair budget.

Mr. Speaker, finally I would just ask for a "no" vote to give us that time to look at this budget, to have the members read it and understand what it will do. And if you do that, you will know that by working both parties together, we can come up with a fair budget. That is all I am asking; I think that is all anybody in this chamber is asking. I would ask you for a negative vote, Mr. Speaker. Thank you for your attention.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, I rise as a freshman legislator to set out for you, my colleagues, what I see as some of the critical problems in SB 929. From my perspective, I see four crucial areas, any one of which would be ample reason to reject this conference committee report. But if we look at the bill itself—and we have had little time to do that—we can see serious unacceptable gaps which can only be remedied through proper amendment and debate.

First, the deficiencies for the 1981-82 budget are understated by at least \$20 million. Some examples are that the State colleges are not adequately funded, and at least a \$225-per-student increase in tuition will be necessary to make up for this gap in the Thornburgh budget. School transportation is underfunded by at least \$10 million, and the vocational rehabilitation money has been stripped out of this bill. The revenue estimate in this budget is obviously overstated. It is a lie, and any thinking person realizes that. It is based upon the assumption that this year's revenue estimate was accurate, and clearly it is not. If Governor Thornburgh has accepted a \$100-million error in this year's official revenue estimate, that error will be magnified in next year's revenue estimate.

Now, there are some who would say these statements are partisan rhetoric, but if I were speaking as a partisan, why was the administration unable or unwilling to provide information to refute me? For years now the Department of Revenue has provided the General Assembly with revenue collection data on a weekly basis. That has been generally accepted to be public record. Now the Revenue Department has been shrouded in secrecy. All we get from them is self-serving partisan rhetoric. From the Finance Committee staff we have an econometric projection using the overly optimistic assumptions of the Thornburgh administration, which shows that we have overestimated revenues by some \$70 million. That is the dimension of the deficit problem.

We also have a problem area of failure to fund mandates. Just because we fail to fund them now, though, does not mean that we will not have to fund them later. We see in this budget serious underfunding in these areas - at least, cash assistance, \$17 million; mass transit, \$31.5 million; school retirement, \$19 million; and pupil transportation, \$8 million. These categories alone total more than \$75 million in serious understated needs. Since the Governor has presented a budget picture which has a razor-thin margin for error, we clearly have uncovered an error here of major proportion. If you are a partisan of Governor Thornburgh, you can pressure it is an error or omission. If you are a realist, you must agree that it is an error of commission.

Federal funds are the fourth category which I feel make this budget unacceptable on its merits. What we have been given is a document prepared by a cheerleader for President Reagan. The Governor's optimistic Federal aid figures are based upon the original Reagan budget, and it overstated them. We do not have President Reagan's original budget—everyone in America knows he has scrapped that plan—and yet Governor Thornburgh would have you believe that these figures in this budget are realistic.

In conclusion, if you have reviewed these four crucial problem areas, you can only conclude that we do not have a realistic budget before us. This is not a 12-month balanced budget; it is not even a 9-month balanced budget. At best, it is a November budget. Clearly the Republicans, led by Richard Thornburgh, are planning to raise taxes. The question is, when? If we pass this budget today, the Republicans who control the General Assembly will be able to put off tax increases to fund their unbalanced budget until after the

November election. Their partisan game plan is to reelect Richard Thornburgh as a no-tax Governor, reelect themselves as no-tax legislators, and then ram taxes down the throats of Pennsylvanians this winter. I cannot vote for such a budget come November, and I will not be able to vote for the Republican taxes this budget will require. Thank you, Mr. Speaker.

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from York County, Mr. Anderson, come to the rostrum to preside temporarily?

#### CONSIDERATION OF SB 929 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I would like to make a few very brief observations as to why we should nonconcur on SB 929. I am very concerned, as are many other members, on the tactics being used by this administration in its attempts to further obscure an increasing deficit. I would like to point out only two of the specific examples of budget trickery, or as a gambler might say, sleight of hand.

First, under this conference committee version of the budget, the appropriation for vocational and technical training for our school districts has been cut down to \$23 million. Mr. Speaker, what concerns me is that instead of an upfront payment by the State to our vo-techs at the start of the fiscal year, a practice that has already been followed for many years, this administration plans to make these payments by quarters after the vo-techs have asked for reimbursements. So, for funding that is required immediately, the school districts making up an intermediate unit will have to put up the required funds for vocational training in advance.

Now, Mr. Speaker, we know that in many cases our school districts barely have enough money to operate their own schools, let alone bail out the State. I fear that this ploy will mean that some school districts will have to either raise taxes or cut back on services for our very fine vocational schools. And this at a time when vo-tech training is extremely important to young men and women facing a tight and competitive job market. Also, Mr. Speaker, all of this financial pressure is on our local schools just because the Thornburgh administration seeks to hide a growing deficit in an election year. The fact that this attempt is clearly wrong can be illustrated by the pressure from local school officials who have objected to a similar attempt by the administration to make the annual State payment for intermediate units also on a quarterly basis. Under SB 929 this tactic was withdrawn recently, in order to muster up the required 26 votes needed in the Senate. I suggest, Mr. Speaker, that if this budget were to be considered in the manner that it should, the members of this chamber and the public would take the time to correct attempts of this financial trickery. As it stands, however, we will be powerless to change a budget that is an outright deception to the taxpayers of this State.

My second concern, Mr. Speaker, is the unconscionable and dangerous reduction in the budget for the State general hospitals. This year's current budget of about \$2 million, which already represented a large cut from the previous year, now stands to be reduced to only \$1.2 million. Not only will the budget be reduced, but so will the level of service and quality which is available at the eight remaining State general hospitals. What the budget cuts really represent is not, as the administration would have us believe, doing more with less, but instead is nothing more than a continuation of this administration's policy of planned neglect for our State general hospitals. Now we find that our hospitals will again actually be making more money for the State in revenue than the State gives them back. This type of policy on the part of this administration is unconscionable.

Mr. Speaker, the 58,000 citizens whom I represent demand a voice on this budget, and I am certain that the 58,000 citizens that you represent demand it as well. First this administration gagged our college presidents, then they gagged the Education Department, and now this administration is gagging us on budgetary input. I urge the members to nonconcur on this budget so that it can be scrutinized by the members and the taxpayers we represent. Thank you.

**THE SPEAKER PRO TEMPORE  
(JOHN HOPE ANDERSON) IN THE CHAIR  
CONSIDERATION OF SB 929 CONTINUED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, we all want to save money in this fiscal year's budget, but saving money at the expense of the disadvantaged among us is neither humane nor fiscally prudent. The further you push the disadvantaged down, the less chance they have to be productive members of our society. This budget has seen fit to push them down, and to push them down hard. This budget shows deep cuts in community services for the mentally retarded. You cannot cut \$23 million in services and expect that these people will be well served. Are we so concerned with saving money that we ignore the legitimate needs of the disadvantaged among us? If they are to take their place in the social order, how will they do it without professional help? The tide rises and lifts all the boats when government helps people, but when you hold someone down, you have to get down yourself and keep them there.

In conjunction, \$358,000 has been cut from the intermediate care facility request in this year's budget. For the past two decades, deinstitutionalization of the mentally retarded and disabled has been a hallmark of State policy in this area. There are those who feel it is a more humane way to deal with a problem of a significant portion of our society, and it has generally been acknowledged that it is a cheaper form of care than maintaining large institutions.

Now that the Commonwealth has accomplished some of these goals, we have an obligation to maintain the laudable system that we have created. If we continue along the course outlined in this budget, we will duplicate the poor quality of

service that had formerly existed in the large institutions with an equally poor quality of services in our smaller care facilities.

We have an obligation, both moral and legal, to maintain the commitment for the community-based treatment that has been established over the years. When adequate care is no longer available for the mentally retarded citizens, we will be sentencing them to return to the days when a family was embarrassed and they were locked up in the cellars and the attics of their homes.

Our mentally retarded citizens generally suffer from a wide variety of disabilities which require a great deal of flexibility in our treatment program. Unfortunately, when funds are limited, our treatment programs become inflexible and are no longer able to meet the needs of these individuals. The needs of the mentally retarded in the community are as variable as the range of available services - income, employment, vocational rehabilitation, mental health and health services. If we reduce any of these, we correspondingly reduce the quality of life for a deserving portion of our citizens.

We, as the representatives of the people, must insure that the weaker voices among our constituency are heard. Indeed, they should ring through the halls of this chamber of the people, and I mean all of the people.

Mr. Speaker, at this time I would like to interrogate Mr. McClatchy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, before he interrogates me, you made a couple of errors in following the budget. Instead of decreasing these community services for the mentally retarded, we have increased those services by \$1.5 million in this proposal over the Governor's request, which was also an increase.

Mr. HALUSKA. That may be true, sir, but in this particular category, they were reduced.

Mr. McCLATCHY. I think you are making a mistake looking at sequence 640 and seeing a reduction. Actually we have added a line called MR interim care. We put \$25 million in that line item. That belonged in the other one. We are just separating those out a little bit. We have added \$200,000 for the Philadelphia Association for the Retarded. If you add those things up all together, we are not cutting any program. We are actually adding \$1,500,000. I think you are misreading the sequences; that is all.

Mr. HALUSKA. Mr. Speaker, my interrogation was in reference to page 27, line 10, the interim care facility. Could you explain to us what that entails?

Mr. McCLATCHY. They are private licensed facilities for the mentally retarded.

Mr. HALUSKA. Are these new structures or are they current structures?

Mr. McCLATCHY. No; they were previously funded under the other line item. We just broke out this one aspect.

Mr. HALUSKA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to begin very briefly by making a few remarks to perhaps give a historical perspective of the budget process in regards for the benefit of Mr. McClatchy and those other members who might be interested in the issue of the adult services block grant.

This program, as I understand it, has historically been set up whereby title 20 funds were placed into those States that put up matching money. Now, that money was then distributed to those counties which wished to participate by their also making an investment of local match grant moneys. This money was used to provide services. Those services went to people between the ages of 18 and 59 who were not senior citizens, who were not mentally retarded or mentally ill. The qualifications were two criteria in addition to the age, the first of which was the income eligibility, and the second was whether or not that person suffered from a physical handicap. The objective of this program in the words of the Secretary of Welfare was to prevent institutionalization of these people, to keep them active and viable in the community.

I want to draw the attention of the members to these types of programs that we are talking about. I will mention six of them very briefly: meals on wheels, home health aides, transportation for the physically handicapped, sheltered workshops, chore services, and adult day care.

Now, my understanding of the way this money was distributed was that the Federal money and the State moneys were combined into a sum that was distributed to private contractors. In fiscal year 1981-82 there were 57 counties that participated. They had private providers who wanted to participate in this program. However, it was suggested and requested by the Governor in his budget message in February of this year that a new proposal be instituted. The Governor wanted to establish an adult services block grant. With that block grant was the proposal for the implementation of a formula of funding, not to the 57 counties that had previously participated but now to all 67 counties in this State, and that formula had two factors. The first factor was the 1980 census population of those people between the ages of 18 and 59, and secondly, the total—and I want to emphasize, the total—population of individuals receiving some form of assistance, be it public assistance, cash grants, medical assistance, food stamps. This was an unduplicative count in establishing this formula. What in essence this was revolving into was a situation whereby 57 counties that previously shared approximately \$7 million in State and Federal moneys were now going to be 67 counties sharing the same amount of money.

I would like to draw the attention of this next portion of my presentation to Mr. McClatchy, because there are some statements that I would wish to make and he may wish to refute. I would like to question him at a later time on these points.

Under the proposal for the block grant, with the formula that had been suggested by the Governor, the following would occur: approximately 19 counties would lose money, some as much as 75 percent; 38 counties would receive increases, 1 county approximately 352 percent over what they had received in the past; and 10 counties would receive in fact new

money, and those 10 counties of the 67 had never participated before. I think it is obvious what would happen to those counties that were cut, but I think the question that must be asked not only rhetorically but in fact would be, what is the effect of those counties that would receive more money or new money? That is one of the points I would like to bring out later.

I think we have been presented with the possibility of an innovative proposal. I draw the attention of the chairman of the Appropriations Committee to two particular sections of the Conference Committee Report on SB 929, and particularly, Mr. Speaker, draw your attention to page 27, line 21, and in addition to that portion, page 122, lines 1 and 2.

The SPEAKER pro tempore. Does the gentleman wish to interrogate the chairman of the Appropriations Committee?

Mr. PISTELLA. Yes; I would want to key him into that portion and then proceed to direct my questions, if the Chair so desires.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, my understanding is that on those two particular points, what is occurring is that there is going to be a block grant whereby approximately \$1.7 million will be \$535,000 of adult services money combined with \$1.2 million in community legal services money. In addition, those same classifications of Federal money are going to be merged for a total of \$12 million. Is that correct?

Mr. McCLATCHY. Roughly the whole total of this new block grant will be \$14,712,000.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, my question regarding the money to be distributed to the counties, the money going to those counties that are receiving increases in those new counties, if those counties do not use that money, will that money revert to the State Treasury or will that be rolled over in the budgets of those counties?

Mr. McCLATCHY. They would come back to the State Treasury, it is my belief.

Mr. PISTELLA. It comes back to the State Treasury? Thank you, Mr. Speaker.

Mr. McCLATCHY. That is correct. For reallocation.

Mr. PISTELLA. To the General Fund, Mr. Speaker, or to the other counties?

Mr. McCLATCHY. To those counties or to other counties within that fiscal year.

Mr. PISTELLA. Is that language included within the conference committee report, or is that standard procedure?

Mr. McCLATCHY. That is standard procedure.

Mr. PISTELLA. Mr. Speaker, the community legal services money that is being turned into the block grants, are those counties that are currently using community legal services bound to continue to use community legal services under the block grant proposal?

Mr. McCLATCHY. No. I have already answered that. The whole block grant gives the counties the flexibility to use that money as they see fit. Some will spend more, some will spend less, but on what programs, that is up to them.

Mr. PISTELLA. So what you are then saying, Mr. Speaker—and correct me if I am wrong—is that it is conceivable that a county which had used community legal services for all people, including senior citizens, would find themselves in a position that that money could be turned away from the senior citizens for legal aid and turned into the adult services, then servicing those people under the qualifications of adult services?

Mr. McCLATCHY. It is equally conceivable that all that money could be used for legal services. These county commissioners have to run for office. They have to stand on their decisions. And in tune with trying to turn back to local control, this is our attempt.

Mr. PISTELLA. Mr. Speaker, would I be correct in suggesting that perhaps those 19 counties that would lose money would be in a position of holding harmless the services they provide, because I understand that those 19 counties that were losing money or being cut would need approximately \$1.3 million to continue to provide those basic services that they contracted for in the past, and the community legal services money could be used to hold those harmless?

Mr. McCLATCHY. It is our belief that most of the cut in the original mini-block grant that is proposed by the administration can be made up in what we have proposed by a cut in the administrative costs.

Mr. PISTELLA. A few final questions, Mr. Speaker, if you please.

I understand that according to the fiscal year budget 1981-82, Allegheny County, the county which I happen to represent, had approximately \$1,328,000 for adult services. Is that correct?

Mr. McCLATCHY. I do not have that figure in front of us, Mr. Speaker.

Mr. PISTELLA. It is my understanding, Mr. Speaker, under the Governor's proposal of February that Allegheny County adult services would be receiving \$831,000. Is that true?

Mr. McCLATCHY. That may be or not. I am not debating his budget; that is for sure.

Mr. PISTELLA. I am not asking you to debate the budget. I am just asking if that in fact had occurred.

Mr. McCLATCHY. Well, his proposal is not before us. This is. I do not perceive any reduction in the adult services for Allegheny County, if that is what you are trying to get at.

Mr. PISTELLA. Well, no, not really. What I was really trying to get at was that if there is an \$837 figure requested by the Governor to adult services, that would appear to be a 37-percent decrease, which was leading to the question that I had, Mr. Speaker, that if you are suggesting to me that the money is going to be turned over into one big block grant proposal, do you have any idea what the decrease or increase would be to Allegheny County, sir? Yes or no?

Mr. McCLATCHY. No, we do not at this time.

Mr. PISTELLA. Thank you, Mr. Speaker. I have no further questions.

I would like to conclude by making a few brief remarks.

The SPEAKER pro tempore. The gentleman is in order and may continue.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, what I tried to illustrate by my interrogation of the chairman of the Appropriations Committee is that it is difficult to assess, with the irrational allocation formula that has been suggested by the Department of Welfare's Secretary O'Bannon at the hearings in front of the House Appropriations Committee, as to whether or not Allegheny County will in fact be receiving a fair share of adult services money, whether or not it is going to be used for community legal services or to provide the services that Allegheny County has historically provided in the past. Right now there are members in Allegheny County—and I am not going to tell you which side of the aisle they are sitting on—but they are ready to go out and vote for this budget. They are going to do it without question or pause.

The point that I wanted to make in my interrogation, Mr. Speaker, was that someone once told me that the man with one eye will rule the valley of the blind. I think that today everyone who sits in this House with the Conference Committee Report on SB 929 in front of them is in fact blind, and the questions that could be answered by the man with one eye, in fact, himself, does not know the answer. It is for that reason, for reasons that have been pointed out by previous speakers and for reasons that will be pointed out by speakers after myself, as was illustrated in other debates at other times, this is no mere election-year ploy. What in fact we have seen is questions being raised on the implementation of block grants while the only thing that can be guaranteed is that there will be money paid to people to work on the Governor's staff to crank up public relations.

So I think when the question comes down to welfare and public welfare, we sit back and realize that our constituency is the man and the woman who live down the street with a disabled child, handicapped parents, and those are the ones who we have to guarantee have welfare, whether it is in a block grant or whether it is by the old-fashioned means. I suggest we reject the Conference Committee Report on SB 929. Let us give the necessary means for providing public services to the handicapped people and those who truly need it in our communities, and let us stop welfare for the public relations firms and the public relations recipients who are in the administrative staff. Thank you, Mr. Speaker.

### FILMING PERMISSION GRANTED

The SPEAKER pro tempore. The Chair at this time would like to say that permission has been given to Mr. Fox of UPI to take pictures on the floor for the next 10 minutes.

### CONSIDERATION OF SB 929 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

I would like to take this opportunity to talk about chasing wily welfare careerists. I would like to talk about how this

1982-83 general appropriations budget, if passed as is, will make it more difficult across this Commonwealth to chase those wily welfare careerists.

If we are to pass this budget as is, with no changes, we are going to cut the Governor's original request for county administration for public assistance by \$1,466,000, a cut which will result in almost a double whammy as we fail to qualify for a 45-percent match in Federal funds. The Governor's original budget request was viewed as extremely tight at best, and on top of recent staff cuts at the county boards of assistance and increasing paperwork and caseloads, the staff hours to chase the wily welfare careerists will be even less, if existent at all.

I do not believe I am the only legislator in this chamber who has heard from their county board of assistance on this issue. I am not the only one who has heard from the county executive director, their staff, and their advisory boards. Mr. Speaker, the people on the front lines at the county boards of assistance whom we are asking to do a difficult job in difficult times are frustrated. They are weary and they are mad. Caseloads are up, paperwork has quadrupled, the computer is not on line, errors are more frequent, and the staff has been cut.

Now, I believe everyone in this Commonwealth is ready to do more with less. I am. I believe my county boards are. But at the same time they were asked to absorb an 8-percent staff cut last year at the county level, administration in the central office of the Department of Public Welfare administering public assistance remained constant. With the Governor's proposed line item for county administration and the now \$1,440,000 cut which is to be enacted, if passed, county staff will again probably feel the brunt of the budget cuts. And what will happen to the bureaucrats holding down the lines here in Harrisburg, away from the clients, in the central office tucked in Harrisburg? Mr. Speaker, they sure are not going to be catching the wily welfare careerists. And they are not going to be doing it at the county level either when they barely have sufficient time to complete forms on the ever-increasing clients coming through the front doors.

Home visits, following up on public complaints, fraud investigation - perhaps a thing of the past. And do not think the wily welfare careerists will not know it. The staff are not the only ones who are aware of the cuts. Those on the rolls also know the cuts and the benefits it will bring them. The situation is critical. Our constituents want welfare fraud investigated, reviews conducted, complaints followed up on. Harrisburg's answer is a computer and the bureaucrats to program it.

Mr. Speaker, sometimes I think you have to spend money to save money. You also have to spend it in the right places. I do not think we need one more employee in DPW (Department of Public Welfare) in Harrisburg to fight fraud. We need it on the front line at the county offices. Such would be a wise and prudent investment of tax dollars to save tax dollars by cutting welfare fraud.

Mr. Speaker, haste makes waste, and I believe we should spend a little more time to carefully consider the spending of

county administration dollars for public assistance. As is, we are making a policy decision to spend more money on computers and bureaucrats in Harrisburg when the real need is across the State with the offices and the people who are the truly needy. As a result, there can only be a decline in the dollars available for the truly needy, available quality time for caseworkers who really have insufficient time to work on the cases as be now. At the same time, fraud and errors are only on the increase.

Mr. Speaker, this is just one example of how this budgetary process is not saving tax dollars but wasting them. It truly highlights the need for more homework and thought on the part of this administration and this General Assembly. There are budget priorities of this State that need to be reexamined and reevaluated. That was perhaps the major reason we were elected to this House.

Let us defeat this conference committee report and go about the business our constituents sent us to Harrisburg to do. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise in opposition to this conference report, but, Mr. Speaker, there are some questions that I would like to raise. As I have stated earlier, it bothers me that I did not have an opportunity to make some input, to have some say about this budget, in order to express the feelings and the wishes of my constituents.

Some of the problems that seem to bother me are how and when certain things took place in regard to the budget. When I look at the budget under the executive office, under State correctional institutions I find an added line item of \$175,000 additional for manpower for the Rockview institution but not for any other institution. I have some serious problems with that, because I have not found anyone who could tell me how it got there and why, and I do not plan to try to embarrass anyone, because I have talked to too many of you on the side. I looked under Aging, and the general government line item was increased by \$250,000 over the Governor's request. I have some serious problems with that. Then where does it come from? Do some figures just happen to jump up in the air? And I might support all of these if I just knew how and where and had an opportunity to become involved.

When I look at Agriculture under general government, I find an increased line item there of \$498,000 over the Governor's request again. Again I ask, where did it happen? Who did it, and why? Where does it go? I would like to be able to tell my constituents when I go home.

I found another mysterious item under Community Affairs. They added an unexplained line item of \$750,000 for community and economic development. Certainly I support economic development, but certainly, as a State Representative, I would like to know, what is it for? How did it get there? I would like to be involved in the process.

Certainly we are all concerned about health, assistance to drug and alcohol programs. We find an increased line item of \$1,736,000 over the Governor's request. Please tell me, somebody, where did it come from? And then tell us, why should

all of us not have some idea how the line item got there and have some discussion in the process?

We look under Labor and Industry, the transfer to the Vocational Rehabilitation Fund. They increased this line item by \$400,000 over the Governor's request. I only ask a simple question again. Since I happen to be a member of this great body representing the same number of people that you are, is it asking too much that I have some idea how the line item got there? Am I asking too much to ask you to allow me to be a part of the process?

Then we look under Military Affairs, veterans homes. They increased this line item by \$1 million over the Governor's request. Will someone please tell us what magic formula was used there? I only ask again, if I could only have been a part, maybe I would have supported it. But somehow in an allegedly democratic process, I ought to at least have a choice, if I am to adequately represent my people.

Under Public Welfare, mental health and mental retardation services, they added a line item for \$200,000 for the Philadelphia Association for the Retarded. Certainly we are all concerned, and I might be the first to want to join you in supporting that item.

I might well want to support many of these items, but I believe even in this hall there ought to be certain things called common decency. We ought not make the political process a nasty item, a nasty phrase. We ought to make it work for the best interests of all of us, and we ought to be fair. Fair play ought to be a common phrase here, and it ought to be enjoyed by all of us.

All I am crying out for is to please give me an opportunity to become involved in this budgetary process. I would be the last one to stand here and not want the budget passed. I want a budget passed. I want to make sure that we move expeditiously, but I also do not want to be part of a reckless movement, and I just resent having to go back to Philadelphia to all of those people who thought when I came here that I would be able to add something to this process and help make our government operate better for all of the people here in Pennsylvania. But when you sit on a side of an aisle and tell those of us who happen to be on the opposite side you do not have an opportunity to participate; you just do not count; you are not involved in this process, I think that is totally unfair, and though I rise here today to tell you how much I disagree with it, I would rise also on this side to say to my Democratic colleagues if they would ever try to do that to another side, because somewhere in this whirlstream of mediocrity someone has to stand up and say what is right and what is wrong in this society. I tend to be frightened when I look at intelligent people who know right from wrong but refuse to stand up and be counted. I say to you, Mr. Speaker, how do you do this? What religious institution do you go to? What do you pray to? Do you go back home and look in the mirror? Do you ever look at your family? Do you really ever face your constituency fairly? Well, if you do, you must have cold ice water running down your veins instead of blood, because I do not know how anybody, how any group of people could have a heart built in stone and could be so cold that you could sit on

the opposite side and have no concern about the others who must give adequate representation to the people whom they are elected to represent. I hope, I hope, Mr. Speaker, that you would give consideration and remember you are in charge today, but think, there is a great possibility, there is a great possibility that those who voted the last time may well have second thoughts about their action, and you might have to speak to this side and pray for an opportunity to be involved.

As I close, Mr. Speaker, I hope that the day will never come when the Republican Party will have to get on their knees and beg the Democratic Party for an opportunity to carry out those responsibilities and those obligations that they were elected to perform. I hope I never see that day. I hope I never see the day that the Democratic Party would become so cold and so callous and so heartless and so reckless and have such a flagrant disregard for fair play as I am watching here today. And I pray, Mr. Speaker, I pray that as I close, somewhere and somehow we will find decency running through this hall, letting it flow like a mighty stream and letting both sides of these aisles become usurped with that kind of spirit until we all hold hands and move forward with fair play and do what is for the best interests of the constituency here in Pennsylvania. Thank you.

### MOTION TO ADJOURN

The SPEAKER pro tempore. For what reason does the gentleman from Centre, Mr. Letterman, stand?

Mr. LETTERMAN. Mr. Speaker, I rise to make a motion that we adjourn until Wednesday—What is Wednesday, the 5th? Wednesday at 9 o'clock. I am tired of listening to this tonight. I would rather listen to it when I am good and fresh in the morning.

### THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

The SPEAKER. The question before the House is the motion of the gentleman from Centre, Mr. Letterman, that this House adjourn until Wednesday, May 5, 1982, at 9 a.m.

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

The SPEAKER. The Chair recognizes the majority whip.  
Mr. CESSAR. Thank you, Mr. Speaker.

I would just say this to the gentleman: If the members on the other side would temper their remarks, we could get out of here in a timely fashion, and therefore, Mr. Speaker, at this time I request that we oppose that motion.

On the question recurring,  
Will the House agree to the motion?

The following roll call was recorded:

YEAS—82

|          |            |           |           |
|----------|------------|-----------|-----------|
| Barber   | Evans      | McIntyre  | Rieger    |
| Belfanti | Fee        | McMonagle | Ritter    |
| Beloff   | Gallagher  | Maiale    | Rybak     |
| Berson   | Grabowski  | Manderino | Seventy   |
| Blaum    | Greenfield | Michlovic | Showers   |
| Borski   | Gruitza    | Miscevich | Steighner |



|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Cappabianca | Harper         | Morris      | Stewart         |
| Cawley      | Hoeffel        | Mrkonic     | Stuban          |
| Clark       | Horgos         | Mullen      | Swaim           |
| Cohen       | Hutchinson, A. | Murphy      | Sweet           |
| Colafella   | Irvis          | O'Donnell   | Taylor, F. E.   |
| Cole        | Itkin          | Oliver      | Tigue           |
| Cordisco    | Kowalyszyn     | Pendleton   | Trello          |
| Cowell      | Kukovich       | Petrarca    | Van Horne       |
| DeMedio     | Laughlin       | Petrone     | Wachob          |
| DeWeese     | Lescovitz      | Pievisky    | Wambach         |
| Deal        | Letterman      | Pratt       | Wiggins         |
| Dombrowski  | Levin          | Pucciarelli | Williams, J. D. |
| Donatucci   | Livengood      | Rappaport   | Wozniak         |
| Duffy       | Lloyd          | Richardson  | Wright, D. R.   |
| Emerson     | Lucyk          |             |                 |

## NAYS—107

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fargo           | Lashinger | Salvatore     |
| Anderson   | Fischer         | Lehr      | Serafini      |
| Armstrong  | Fleck           | Levi      | Sieminski     |
| Arty       | Foster, W. W.   | Lewis     | Sirianni      |
| Belard     | Foster, Jr., A. | McClatchy | Smith, B.     |
| Bittle     | Frazier         | McVerry   | Smith, E. H.  |
| Bowser     | Freind          | Mackowski | Smith, L. E.  |
| Boyes      | Fryer           | Madigan   | Snyder        |
| Brandt     | Gallen          | Manmiller | Spencer       |
| Brown      | Gamble          | Marmion   | Spitz         |
| Burd       | Gannon          | Merry     | Stairs        |
| Burns      | Geist           | Micozzie  | Stevens       |
| Cessar     | George          | Miller    | Swift         |
| Cimini     | Gladeck         | Moehlmann | Taddonio      |
| Civera     | Greenwood       | Mowery    | Taylor, E. Z. |
| Clymer     | Grieco          | Nahill    | Telek         |
| Cochran    | Gruppo          | Noye      | Vroon         |
| Cornell    | Hagarty         | Perzel    | Wass          |
| Coslett    | Haluska         | Peterson  | Wenger        |
| Cunningham | Hasay           | Phillips  | Weston        |
| DeVerter   | Hayes           | Piccola   | Wilson        |
| Daikeler   | Heiser          | Pistella  | Wogan         |
| Davies     | Honaman         | Pitts     | Wright, J. L. |
| Dawida     | Jackson         | Pott      | Wright, R. C. |
| Dietz      | Johnson         | Punt      |               |
| Dininni    | Kennedy         | Rasco     | Ryan,         |
| Dorr       | Klingaman       | Reber     | Speaker       |
| Durham     |                 |           |               |

## NOT VOTING—8

|             |        |         |              |
|-------------|--------|---------|--------------|
| Caltagirone | Kanuck | Saurman | Wargo        |
| Gray        | Rocks  | Shupnik | Williams, H. |

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the negative, and the motion was not agreed to.

## CONSIDERATION OF SB 929 CONTINUED

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

I will be very brief in my comments. I, like the other members from this side of the aisle who have risen to speak in opposition to not only specifics in this budget but the process being used in this budget, have certain concerns over the funding patterns that this budget purports to spend money in the interests of the Commonwealth of Pennsylvania.

There are some concerns, Mr. Speaker, in areas such as improvement of juvenile probation services, the Juvenile Court Judges Commission, the Pennsylvania Commission on Crime and Delinquency, that are really agencies, Mr. Speaker, that send money back into counties to try to give more incentives for community-based care rather than the costly care that is provided in our institutions, and by cutting these programs, Mr. Speaker, we really are being shortsighted and are not looking at the long-term effects of what the positive impacts are that these programs have had. They have saved the Commonwealth of Pennsylvania literally millions of dollars over the last few years in institutional placements for our dependent, neglected, and delinquent kids.

I am also concerned, Mr. Speaker, about the cutbacks in the Office of Protection in DER (Department of Environmental Resources) and the valuable land in Elk and Clearfield Counties that is currently being strip-mined and the sad state of affairs we will have as far as investigation and inspection of those strip-mining jobs with a further budget reduction. Currently the Department of Environmental Resources is doing a very shoddy job of inspecting those strip-mining jobs, and with less money coming into it, I cannot help but think that more land in my area will go unclaimed and will be useless to future generations coming along.

Mr. Speaker, I am also concerned about the proposed cuts in the Department of Welfare that this budget contains. Currently the Department of Welfare and the county boards are understaffed, and they are having a difficult time performing the functions that we are mandating them to perform. And by now asking the Department of Public Welfare to further reduce their rolls, to further reduce the staffing patterns in the county boards, I cannot help but wonder who is going to implement the workfare legislation that we debated here some months ago. Mr. Speaker, if we are adding another function to the county boards, it seems that we are heading in the wrong direction by cutting out money for those same county boards and the staffing of those county boards. But I guess more importantly, Mr. Speaker, other than the specifics—because we have not had the time to digest all of the information over the last 24 hours that has been presented to us—I most strongly disagree with the tactics and the procedures being used. I as a Representative, being here now for two terms, have not had the opportunity to offer one amendment to any General Fund budget since I have been here.

I think, Mr. Speaker, that the figures that we have in this budget are phony, that this is a phony budget, that this phony budget is offered by a very desperate man who sits over a couple of rooms from us and purports to be a leader and purports to be the Governor of this Commonwealth. I also believe, Mr. Speaker, that more importantly than anything, this process that we are currently adopting as a matter-of-fact process of passing a budget is a very sad commentary on our democratic process of self-government, and that instead of us public officials coming to Harrisburg and trying to gain and trying to capture back some of the public mistrust that seemed to sweep over this country in the late seventies, what we are really doing is adding to the growing mistrust that people have of politicians and of elected representatives.



I, Mr. Speaker, cannot vote for this budget for various specific reasons with the funding patterns, but, more importantly, cannot vote for it because I have had no input, and the 58,000 people whom I represent have had no input through their elected representative. I urge a "no" vote on this budget conference committee report. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Mr. Speaker, I stand to raise my objections to this administration's cutting of \$200,000 from this year's budget for the purpose of flood control. The district I represent has seen the devastation that uncontrolled elements can create in a community. My hometown is the infamous city of Johnstown, infamous because of the terrible floods that have visited there in this century and the last.

Last year this State set aside \$426,000 to provide the State's share of the cost of building major flood control structures through Federal, State, and local cooperation, and also provide funding for the rebuilding of decaying stream walls. Also, money was to be used to fund flood warning systems in the 67 counties of our State. This year the Governor and the Republican-controlled conference committee have cut this vital, necessary, and lifesaving appropriation down to \$200,000. This action, quite frankly, is irresponsible and life threatening. For each of you, whether you serve a rural or urban area, to approve this budget at the expense of the public safety or of our constituents is absolutely wrong.

As a young man growing up in the city of Johnstown, I lived along with my family and friends that possibly someday, somewhere, a flood might occur. Well, one day in 1977 we did have a major flood, destroying homes, businesses, and industry. Lives were lost, damages were in the millions of dollars to homes and businesses, and to this day my hometown has not recovered. The once-mighty steel mill that provided a livelihood for thousands of people was devastated and has not recovered. This along with the recession and high inflation are the reasons why Johnstown has one of the highest rates of unemployment in the Nation.

If the Governor and his administration are so concerned about public safety and flood control, as he tried to suggest in his highly publicized visit to Oil City this year, let him cut his public relations budget and furlough a couple of his paid legal counsels, and this \$226,000 could be easily restored, maintaining the integrity of the State's flood control system. Until a flood strikes your area—and you know what I mean if you have ever had a devastating situation or any other crisis in your area—money is tight and hard to get a hold of, and it costs an awful lot more after the fact than it does to create flood control projects beforehand.

I would appreciate very much if we could take some consideration and oppose this bill on one of the instances that it is taking money away for preventive maintenance and prevention of future damages caused by floods. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I rise to oppose this budget for a number of reasons, one of which is that in terms of the reimbursement for our nursing homes and our county homes, there will be a revenue loss to our counties. Many of the counties have indicated that they simply cannot absorb that cost. They are going to have to either have a massive increase in real estate taxes or they are going to have a drastic cutback in terms of long-term patient care.

Mr. Speaker, we are also not doing anything about mass transportation in terms of trying to make up for some of the Federal cuts. The Lehigh and Northampton Transit Authority in my area indicated that if these cuts are not restored, they are going to have to have a tremendous increase in the fares for the ridership or, again, curtail the services to the people.

Mr. Speaker, there are other items in the budget. I notice in the Motor License Fund budget that while we are cutting the funds for highway maintenance by about \$13 million, we are increasing the administrative costs, adding about \$1.3 million for overhead for the department. Mr. Speaker, this budget is fraught with areas such as that where we are not providing for the services for the people whom we represent.

Many others have argued about the fact that we do not have any input, and that is absolutely true, Mr. Speaker. That is one of the reasons why we have such a monstrosity before us.

I suppose that I could sum the budget up in a couple of words, and one of them would be to say that this budget stinks. And just for the record, Mr. Speaker, so that it will be there for those who read the Legislative Journal, this button that most Democrats are wearing with a skunk on it is symbolic of our attitude toward this budget. We believe that this budget does indeed stink and this is not the best that we could do. We could have done much better. We could have done much better last year and the 2 years before that, but we chose not to do so.

Mr. Speaker, those members who voted not to suspend the rules, not to give us an opportunity to have some input in this budget, will have another opportunity to tell their constituents that they do care and they do want to have a budget that will take care of the needs of the people of this Commonwealth, that will do as Mr. Wozniak suggested - cut some of the funds for the public relations in this administration and restore funds to public service for people. We could do a lot of things, and we are not doing them, Mr. Speaker. But I want to point out again for the record that my "no" vote is for a lot of reasons, one of which is primarily that my county, the county of Lehigh, is going to suffer revenue losses that will result in drastic cutbacks to services for the people in that county or going to result in local tax increases, real estate tax increases on the part of the people of Lehigh County.

This Commonwealth has a greater obligation than that, and we are not exercising that obligation. Mr. Speaker, I would urge as firmly as I can a negative vote on this so-called budget for 1982-83.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Mr. Speaker, I would like to interrogate Mr. McClatchy.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Hoeffel, may proceed.

Mr. HOEFFEL. Mr. Speaker, I would like to talk to you about the funding in the budget for licensed practical nursing.

As you know, the Governor in February proposed changes in funding for vocational education that had the result of reducing funding for licensed practical nursing nearly in half, from somewhere over \$4 million to about \$2 1/2 million, and the Department of Education at the same time issued regulations that vastly curtailed the number of people who could qualify for this State-funded vocational education. In the budget bill—it is on page 13—there is language in there talking about providing a full State share of licensed practical nursing. Could you tell me what that phrase, “the full State share,” means?

Mr. McCLATCHY. We will continue the program as it now is, without the changes proposed by the administration.

Mr. HOEFFEL. In the next fiscal year, then, the proposed guideline changes that the administration has come up with, which they have not yet rescinded to my knowledge, which in fact would have provided LPN training only for the unemployed for more than 6 months and for welfare recipients, those—

Mr. McCLATCHY. That will not go into effect.

Mr. HOEFFEL. That will not. How do we know that, Mr. Speaker? I certainly trust your word, but how do we know that this language rescinds those guidelines?

Mr. McCLATCHY. We have a commitment from the department, and we will be watching that very closely.

Mr. HOEFFEL. Okay. Concerning the funding level, there is no guarantee that the \$24.5 million contained in the conference report will in any part go for LPN programs. Can you tell us what commitment you can give us for the dollar amount that will be put into LPN training?

Mr. McCLATCHY. I think the language indicates that, and again, we have had every indication from the department that that is where it is intended to go.

Mr. HOEFFEL. Well, this year—

Mr. McCLATCHY. It says for the full State share of the licensed practical nurse program.

Mr. HOEFFEL. What I am trying to get at is how big that program will be. This year it is \$4 1/2 million, as near as I can figure. The proposal of the Governor was to cut it to \$2 1/2 million, roughly. What is the conference committee suggesting be spent for LPN training?

Mr. McCLATCHY. We added \$1 1/2 million, as you well know, I believe, to the Governor’s program.

Mr. HOEFFEL. You added \$1 1/2 million to the overall funding for vocational education. I am interested in that share of it that will go to the licensed practical nurses.

Mr. McCLATCHY. That is the share, it is my understanding.

Mr. HOEFFEL. Well, I guess I just do not understand that. Now, we are setting aside \$24 1/2 million for vocational education, yet there is no guarantee in this conference report that any of that will go to LPN training. You evidently have commitments from the Governor or from the Secretary of Educa-

tion that they will withdraw their guidelines, and that is fine, but I am asking for a similar commitment on the dollar amount. In rough figures, how much will be spent?

Mr. McCLATCHY. I think that program is roughly a \$4-million program, and it is going to be continued.

Mr. HOEFFEL. It will be continued at \$4 million?

Mr. McCLATCHY. That is right.

Mr. HOEFFEL. Okay. Thank you, Mr. Speaker.

Mr. Speaker, one other area. In the area of high technology, the Governor proposed and made great headlines with his proposal for a Benjamin Franklin Partnership to fund the high technology job development in Pennsylvania. On page 10 of the budget bill, the conference committee has reduced the Governor’s request for the line item for the Science and Engineering Foundation. The reduction is half a million dollars. My question is, how much does the conference committee intend to spend on the high technology Benjamin Franklin Partnership?

Mr. McCLATCHY. It is about a \$1-million increase. We feel this year in a very tight budget that that is a substantial increase.

Mr. HOEFFEL. Your intention for the \$1-million increase over the current appropriation for the Science and Engineering Foundation is that that go for this Benjamin Franklin Partnership.

Mr. McCLATCHY. That is correct.

Mr. HOEFFEL. Can you give us any details about the Benjamin Franklin Partnership itself?

Mr. McCLATCHY. I do not have that information right here, but I am sure we can get it for you if you would like to have it.

Mr. HOEFFEL. I am not sure you can. The Democratic staff has tried to get it from the Governor and is not given any information.

Mr. McCLATCHY. I think I am usually more successful than the Democratic staff.

Mr. HOEFFEL. Well, I am sure that is true. I am not sure that should be the way we would like to see it. Can you get that for us before we vote on this budget?

Mr. McCLATCHY. No, but I think it can be well explained, and I will be glad to get that information for you.

Mr. HOEFFEL. One other question, Mr. Speaker. In the Department of Aging, the funding of \$173,000 that this year went to the Council on Aging and that the Governor recommended for the Council on Aging has been eliminated from the conference committee report. Can you explain to me the significance of that? Does that mean we will no longer fund the Council on Aging?

Mr. McCLATCHY. No. That has been rolled into the general government operation of the department.

Mr. HOEFFEL. With the intention that they will fund the Council on Aging?

Mr. McCLATCHY. That is correct.

Mr. HOEFFEL. Okay. Thank you, Mr. Speaker.

Mr. Speaker, if I may?

The SPEAKER. The gentleman is in order.

Mr. HOEFFEL. Thank you.

A brief comment on the last point. I anticipated that the conference committee would expect to fund the Council on Aging out of the general government costs for the Department of Aging. I just would like to say I think that is a great mistake. I think that the Council on Aging, being a voluntary advisory group made up of concerned senior citizen advocates from across the State, has on many occasions indicated disagreement with the focus and programs and tenor of the professional staff of the Department of Aging. Many times they are in agreement, but many times they are not in agreement. I think that the Council on Aging at times can be a thorn in the side of the Department of Aging. I think it is a great mistake for the General Assembly to take out of our budget the line item that funds the Council on Aging and to give to the Secretary of Aging, the very person who most deeply feels that thorn in his side, the power to underfund, to at least have the sword hanging over the head of the council that their funding could be removed if they continue to criticize the focus and programs and concepts of the department. I think it is wrong for us to do it. I think that is one very good reason to be against this budget.

In general, I would like to echo the comments that my colleagues have made earlier tonight about the rotten process that has been used, the undemocratic methods that have been used this year and the past 2 years, and I urge a negative vote. Thank you.

## SENATE MESSAGE

### SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 562**, **PN 3222**, and has appointed Senators MANBECK, HOLL and SCANLON a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

## CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair has been requested by the chairman of the conference committee to call for a meeting of the conferees on **HB 562** at 9:15 p.m. in room B-11.

## CONSIDERATION OF SB 929 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Speaker.

I would like to start off by indicating that I rise to voice my opposition to the Conference Committee Report on **SB 929**. I would like to do it in this fashion. First, I would like to state things that we need to be concerned about as members of this House, members of this General Assembly, and also as an

individual citizen in this Commonwealth of Pennsylvania: One, that the total spending plan of \$7.2 billion is in front of us; two, that the revenue shortfalls are predicted at \$110 million; and number three, that we should disapprove of this proposal for the following reasons.

The process by which this budget proposal has been pushed at this General Assembly is strong testimony to the callous, insensitive attitude which is held for the citizens of this Commonwealth. It is their voice that is being silenced by preventing open debate on this budget, which will affect the livelihood in major areas, such as housing, health, education, and economic development. It is their concerns that we are supposed to represent. I would like to have had a full debate on revenue shortfalls, the 10-percent cap of spending for hospital costs for medicaid recipients, because I feel that this is the wrong thing to do. These proceedings only show the cowardly way the white Republican Party bosses have chosen to deal with our constituents. It is a presumptuous, contemptuous, assumptive, and asinine way of dealing with other people's lives. This only displays the realities of partisan policies and how the agents of the new neoapartheid movement of this country and State are more concerned with their own egos and careers than working out solutions that will benefit the people of Pennsylvania. There is only one name for these people; they are political sellouts. The contemptuous attitude that has been projected is as real as the sun setting in the East. It happens every day.

In education, it is my understanding that through the Federal Education Consolidation and Improvement Act, a block grant was created, but it does not alter the special education and disadvantaged programs. If we were to review the moneys that were allocated in fiscal year 1980-81, approximately \$8,406,534, and what has been proposed for Philadelphia County in the 1982-83 fiscal year of \$3,959,119, we see a marked reduction. If the block grant approach created or helped create this loss, then I would have loved to have been a part of the debate on the block grant issue and its impact.

With regard to the Federal augmentation portion of this Conference Report on **SB 929**, I have similar problems with the small communities block grant, in that if additional funds are appropriated, the Governor will have \$76 million to distribute, and only \$33 million has to be spent on HUD (Department of Housing and Urban Development) projects. That leaves about \$43 million to be passed out at the whim and the fancy of the Governor in an election year.

It is my understanding that the community service block grant may be reduced by further Federal cuts, and the requirement that 90 percent of block grants go to community agencies, action agencies, will not apply to Federal 1982-83 funds.

With regard to the social service block grants for title 20, social service funds were approximately \$146 million for 1981-82, and the revenue estimates for 1982-83 are at \$130 million, which cuts programs that are essential for us to discuss. You have seen fit not to allow us that opportunity.

The second document, Mr. Speaker, that I would like to go into concerns specifically the black and poor perspective as we

see it as it relates to the budget: One, that Governor Richard Thornburgh's budget has been made public through this approach and attempt to shove SB 929 down the throats of the members; that he has presented a fiscal program which does not speak to the needs of the black community nor the poor in the Commonwealth. In fact, it is clear that he is an enemy of the poor. Because it is an election year, the Governor often speaks of his issues of greatest interest to the members of Pennsylvania minority groups, including blacks, women, and Hispanics, but the budget itself is a contradiction of that lip service.

This brief analysis of the budget which I am presenting specifically talking about the budget document will focus on at least five key areas: one, education; two, economic development; three, public assistance; four, crime and corrections; and five, employment and training. Basically, the Thornburgh budget and approach to government is to abandon historic and traditional responsibilities that the State has assumed in the areas or to strangle the programs financially. The net effect is still the same. The result is and will be negative not only for the members of the minority community who rely on these programs as avenues to economic security but on the entire population of this State. This is because the minorities taken as a group represent so much of the population that to neglect or harm them hurts the entire State economy and social structure.

The Thornburgh approach is bad government policy for all the people of this Commonwealth. In basic education, Governor Thornburgh has proposed a \$127-million increase in school aid over and above the current budget. He has coupled that proposal with two supposedly new ideas which he says will make the amount of money meaningful when you are talking about a total State education budget of somewhere around \$2.5 billion. Taking a page from Reagan or Reaganomics or Reagan mortis, whichever one you prefer, he is putting the \$127 million into a special pot and calling it learning block grants. Then he is talking about eliminating State educational standard requirements or mandates in a number of categories. This, the Governor says, will allow local school districts flexibility they do not have now to apply the new funds that are most needed.

In higher education, Mr. Speaker, I would say that the Governor has proposed a 9-percent increase in financial aid to college students and an average 6-percent increase into the budgets of State-related universities. Areas of concern, though, which we need to be concerned with include the Governor's action in January to increase tuition at the State colleges, including Cheyney, by some \$75 per semester and the rest of the State-related institutions in the Commonwealth. This tuition increase came only after they had been hit hardest, particularly to those low-income students who could not afford it.

Crime and corrections: The question of crime and corrections is one of philosophy. Dick Thornburgh's approach to crime and corrections is, to rephrase the redneck attitude, that the way to solve crime is to make more and bigger prisons and to put people in them and throw away the key. The Gover-

nor's polite way of phrasing this was to say to build more prisons and to build more prison space certainly sends the appropriate signal to those who would deny us the right to freedom from fear in our homes and in our streets.

While the Governor has proposed to create another 2,300 prison cells in the State, for comparison, we now have about 9,000 men and women in State prisons in this Commonwealth of Pennsylvania.

I could go on, Mr. Speaker, and express to you and explain the reasons of concern in that area, but I will move on to employment and training. What Governor Thornburgh says in this budget reflects that there is presently no real money for employment and training. He says that the present rate of unemployment as we all know is unacceptable, but the unemployment rate in the Commonwealth of Pennsylvania is the second largest unemployment rate in the Nation, which means that for minorities and for blacks and particularly our youth, we seek the highest amount of unemployment in the country. Nationwide the unemployment rate for nonwhite teenagers is about 39 percent, and amongst our black youth in the city of Philadelphia alone, it is around 60 percent. The black jobless rate in Philadelphia and Pittsburgh is at about 18 percent. So unemployment rates for whites in Pennsylvania have reached equally shocking levels also in the small towns and boroughs in the central parts of the State and also in the rural parts of the State where they are talking about at least 20 to 25 percent or even more in joblessness and also unemployment.

Again the Reagan program of shipping responsibilities for former Federal programs to the States has resulted in another evasion of responsibility by Governor Thornburgh and the Republican Party. On one hand, he says he supports Reaganomics 100 percent and says that unless we support them and give them time to succeed, they will fail. But his support for Reaganomics is lip service, too. In the area of job training, Reagan has cut Federal funds and told the States to pick up the slack if needed. Well, if you have 39 percent unemployment in the inner city and 20 percent in the small towns, you certainly need a job training program.

Thornburgh's proposal is to spend \$7.5 million in job training, less than one-tenth of 1 percent of the total State General Fund budget. That is less than is being spent this year in State and Federal funds, so we have a net loss in this category, and the biggest losses will be most severely felt in the black and Hispanic communities in this Commonwealth. Of course, Thornfare, which is now law, will create even a greater problem in the job market in inner cities since it will put another 60,000 or more people in Philadelphia and Pittsburgh into the overcrowded job market out of desperation and the need for survival.

Economic development: Thornburgh proposes to continue the funding for the Bureau of Minority Business Development at the level of \$2 million a year. On one hand, Thornburgh admits that small businesses are the only way to increase jobs in the State, but this, the primary program to help members of the minority groups find small business, has received no funding increase for 3 years while inflation has increased about one-third. Another \$145,000 has been proposed for the

Office of Minority Business Enterprise, certainly another token amount aimed at appeasing but not helping the black and poor communities.

The biggest joke in the Thornburgh economic development package in this budget is the so-called Benjamin Franklin Partnership to help Pennsylvania business, industry, and college researchers focus on building new technology to encourage job development in Pennsylvania. While they propose to give \$15 million to PIDA (Pennsylvania Industrial Development Authority), I share with you that there has not been any increase in minority contracts for those individuals who in fact have applied under the PIDA program here in the Commonwealth of Pennsylvania, which shows that there is really no affirmative action program cited, nor do we have an opportunity to place in any amendments in this proposal that request.

*Welfare:* Governor Thornburgh has continued his hypocritical approach to welfare in this budget by indicating to us that with the workfare program, Thornsrooge would in fact make sure that all of those persons who now fall in the category of able-bodied persons would in fact allow moneys to be released so that those persons on welfare with aid to dependent children would in fact receive an additional increase in their grant. I share with the members of this House that a family of four will receive approximately a \$16-a-month increase to take care of their families. I daresay that a \$16-a-month increase in this day and time when people are deciding whether to pay for heat or eat is very clear that there is no sensitivity by the Governor or the Republican Party.

Then, Mr. Speaker, I will draw your attention to the budget proposal that is in front of us and cite to you a number of programs that are in fact being cut that will not improve or enhance the development of this Commonwealth's budget. One, the improvement of county juvenile probation services, an area which in this Commonwealth of Pennsylvania they say that with the increase of juvenile crime, there should be *some services provided to make sure that those juveniles in the Commonwealth are in fact being serviced*, but yet we see fit to cut some \$120,000 in that program.

*In areas where crime victims' compensation was supposed to be increased*, we again see a decrease of \$213,000, which means that the citizens of this Commonwealth who are victims are not going to get any moneys to take care of those particular crimes that have been committed against them in this Commonwealth.

Then the Commission on Crime and Delinquency, an area that the Governor thrives so hard off of, shows again the insensitivity of this administration and this party to cut some \$100,000 out of that area, which only says to me that there is no concern about making sure that those persons who are in fact victimized in this Commonwealth will receive the relief that they should nor will get the amounts of money placed in their program. The Crime Victim's Compensation Board has been cut out entirely, and there is no money at all provided in this conference committee report of an increase, but it is going to remain the same as it was last year.

I raise these questions, Mr. Speaker, to point out the disparity and also the concern we raise that when you go to the *Department of Aging*, it is unconscionable that in this Commonwealth we would take funds that are earmarked in the lottery program and place them in the Department of Aging to the tune that we cut back in the general governmental operation of the Council on Aging. We cut some \$173,000 from our senior citizens. While there is enough money in that lottery to make sure that senior citizens are in fact taken care of in this Commonwealth, we are placing that money and putting it in the Department of Aging. We should appropriate money specifically for the Department of Aging.

Then in the areas dealing specifically with the PIDA program that I just spoke about, I indicate again that \$15 million has been allocated for this fiscal year while the Pennsylvania Minority Business Association only is going to receive \$2 million, which means that the programs and the number of people who have applied not only have doubled, not only have tripled, but have quadrupled in this Commonwealth, and many persons who are in need of small business loans within our community cannot in fact get them.

We move on to adult probation services. Also in that area we have cut back \$2,968,000, an indication again that there is no concern about making sure that those who do commit crimes, that we are in fact dealing with rehabilitation to send those individual citizens back into the community.

Then the reduction, Mr. Speaker, in the community revitalization assistance program, which is proposed that those particular programs will be in fact placed in a block grant. I only indicate to you that there are no block grant moneys that are going to be available to those individual persons who have to sit on the outside lines and bid for these programs, which means that a number of programs that are effective within our community, those persons who have to bid for them will in fact not get them.

Then in grants and subsidies, I would say to you that at the local level, particularly dealing with educational block grants, in this proposal we have cut some \$127 million, and for those educational programs, particularly as they affect young people in our community, particularly with our fight in Philadelphia, block grants is not a reasonable way to resolve the question.

*In disease treatment services*, Mr. Speaker, I share with you that in this conference committee report the moneys that were allocated for this year have been taken out, some \$9,474,000, which means that those particular services, *treatment services* for folks, will in fact be eliminated.

I brought these to highlight a point, that it is very, very clear that there is no intention of this Commonwealth to take care of those citizens who are less fortunate and cannot fend for themselves. But I, as many of the other speakers who have already spoken, would have to say that not only a callous but capricious and malicious attempt has been used on the floor of this House to deny members on this side of the aisle to make representation or those who are independent or those who just feel that they should have a voice. Even yourselves on the other side of the aisle who have had no major input at

all would have to say that not only is this unprecedented in terms of the time where we are on May 5, 1982, in trying to pass a budget, but also at the same time that there has been no input from those individuals who would in fact be reasonable men and women who could sit down and make decisions about how this budget could in fact be formulated.

Therefore, Mr. Speaker, I would have to say that I go on record as a legislator from the 201st District who feels that the contemptuous attitude that has been taken against those individual persons who have been denied that process need to hear loud and clear that for the citizens of this Commonwealth of Pennsylvania, regardless of which way your mind has been swayed already by those who have coerced you, it is clear that those citizens in the Commonwealth are not getting service, and regardless of what you say, the social service programs have a tremendous impact on those who are black, minority, Hispanic in this Commonwealth, and unless we do something to ease the pain from those individuals who are reaping the most oppression, I would share with you and guarantee you there will be bloodshed in the streets of this Commonwealth unless there is some answer to resolving the problems that do face many of the people who are in fact less fortunate.

Mr. Speaker, at this time I would like to have these remaining remarks submitted, to be added as my actual comments on the floor of this House into the Journal. It goes from education to the medical assistance program, it is from pages 1 to 25, and I so submit these for the Journal to be added to my remarks that I cannot make on the floor of this House.

The SPEAKER. Will the gentleman send his remarks to the desk?

The gentleman, Mr. Richardson, had concluded his remarks. Is that not so?

Mr. RICHARDSON. Yes, I did, Mr. Speaker. I just wanted to make sure that my remarks were included as a part of the Journal. I wanted to make that clear, because sometimes they are not added to the actual part of the record. I want to make sure they are added as an actual part of this day's record.

The SPEAKER. The Parliamentarian reviewed briefly your remarks to check for the presence of printed material, which is what we normally attach to the Appendix. Your remarks did not have that printed material, and it will be made part of the official record.

## REMARKS SUBMITTED FOR THE RECORD

Mr. RICHARDSON submitted the following remarks for the Legislative Journal:

### APPENDIX

Following are the analyses on the issues prepared by members of the House Democratic Leader's staff, staff of members of the Black Caucus, staff of the House Democratic Appropriations Committee and others.

#### 1. Education

##### A. Basic Education

1. Governor proposed \$127 million increase in school aid accompanied by proposal to ease mandates to allow school districts discretion in spending.

The so-called initiative, "Local Education Block Grant" combines 12 categories including: Basic Instruction, Vocational Education, Special Education, Transportation, Payments in Lieu of Taxes, Authority Rentals for School Construction, Retirement for School Employees, School Employees Social Security, Education of the Disadvantaged, Migrant Education, Homebound Instruction, and, Approved Private Schools.

2. The Block Grant approach proposed by the Governor hides reductions in several categories including Vocational Education. Likewise, the proposal falls short of the state's legal requirement to provide 50% of the cost of instruction for local school districts. Initial estimates suggest that the state's share under the Governor's proposal, would be approximately 41.1%. In essence, therefore, the blockgrant proposal provides less money to districts and shifts the burden of program cuts to the local districts.

3. Additional problems may occur for financially strapped urban school districts due to proposed changes in the methods of paying for vocational education services.

#### B. Higher Education

1. The Governor proposed a 9% increase in financial aid to college students, and, an average 6% increase in state-related colleges and universities.

2. Several areas which will require closer scrutiny by Pennsylvania Legislative Black Caucus members include: the appropriation for Act 101 (Equal Education Opportunity Program), which provides grants for programs for educationally and economically disadvantaged college students. The Governor has proposed an increase of less than 10%, and, may have separated costs for administrative overhead which will cause the program's monitoring and evaluation components to suffer; also, the funding levels for state colleges show that a disparity may exist in the appropriation to Cheyney as compared to certain of the other state colleges. The proposed amount for Cheyney is \$10.4 an increase from \$10.3. Other state-owned schools have increased by more substantial amounts like West Chester from \$22.1 to \$23.2, and Millersville from \$15.4 to \$16.8.

#### C. Federal Proposals

1. Thornburgh's plan for education, combined with Reagan proposals, for example, to substantially cut Title I aid, which primarily assists the economically and educationally disadvantaged, will have its most devastating effects in large urban school districts.

2. Likewise, Reagan's proposal to reduce student financial aid for higher education by up to 60% combined with very modest increases in State support, will further limit access to higher education.

3. In short, the Thornburgh and Reagan plans to "block" programs to mask funding reductions merely shift responsibility for cutting popular programs to the local districts.

#### Attachments:

- 1) Appropriations Committee Analysis
- 2) Education Committee Analysis

#### EMPLOYMENT AND TRAINING

The Governor in his 1982 - 83 Budget Address indicates that "we begin with the matter of jobs and our economy," but then readily admits that the "present rate of unemployment in Pennsylvania is unacceptable."

If the statewide unemployment rate, which has increased to 11% is unacceptable, what would the Governor classify the unemployment levels in the City of Philadelphia to be. Statistics taken from the U.S. Department of Labor, Bureau of Labor and Statistics indicate that the unemployment rate for blacks in Pennsylvania in 1981 was 18.1% and rising.

In fact, when viewing the national unemployment rates of non-white teenagers — 39% — it is amazing that the Governor can submit that the \$2,000,000 he has allocated to the Pennsylvania Minority Business Development Authority and the \$145,000 that he has allocated to the Office Minority Business Enterprise will even make a dent in the unemployment figures for Blacks and minorities, who obviously will continue to get the "leftovers" not allocated to big business.

The Governor earmarks PIDA and the Ben Franklin Partnership as sources of future employment opportunities — but for who? Certainly not for the poor, Black and minorities, because they are not highly represented in the fields where Thornburgh intends to channel those training and employment initiatives. Governor Thornburgh continues to suggest that next year he will "consolidate and redirect several job training efforts..." However does not offer any solid hope of dealing with the training needs of black youth today or next year.

I think the Governor should explain why if he is concerned with the employment and training opportunities for all of the people of the Commonwealth, he continues to propose purging the welfare rolls without giving these citizens of the Commonwealth any type of training to gain entrance into a highly competitive job market.

For political purposes, Governor Thornburgh would have the voters think that he is committed to the concerns of the minority business community, however, a quick look at his line items allocated in the 1982 - 83 Budget indicate the following levels of spending.

Bureau of Minority Business Development  
\$2,000,000 - which is charged to start and continue minority business  
Office of Minority Business Enterprise  
\$145,000 - which is charged with promoting minority contracts

BUT PIDA (Pennsylvania Industrial Development Authority)  
which traditionally aids big business  
\$15,000,000.

It is important to note that the PIDA agency has demonstrated less than 50% of the jobs that the Governor declared it would do and I'd submit that PIDA has done little to nothing to increase minority business participation in the Commonwealth of Pennsylvania.

Therefore, the Governor must admit, that although his emphasis remains on big business when he talks about employment and training, the unemployment for black youths increases steadily as does the level of crime.

It is not difficult, then, to understand the direct relationship that is demonstrated in this State between the Governor's continued refusal to sincerely deal with the problem of black unemployment and lack of training and the increase in crime.

## CRIME

According to Governor Thornburgh's recent Fiscal Year 1982-83 Budget address delivered February 9, 1982 some-misleading information was relayed to those who had the misfortune of hearing this confusing message as it relates to Prisons and Crime. The Governor states "more prison space certainly sends the appropriate signal to those who would deny us the right to freedom from fear in our homes and on our streets". Furthermore he urges our moving on "the other elements of his proposed assault in crime and the criminal: "On minimum mandatory sentences for those convicted of violent crimes particularly for violent repeat offenders". "On reform of the existing parole system to assure that a sentence given is a sentence served in Pennsylvania." "And on elevation of the Bureau of Corrections to a cabinet level status."

The Governor further states "If we can spare just one innocent Pennsylvanian the trauma of a rape or robbery or other criminal violence with these measures, surely it is our obligation to do so.

First of all more prison space is not the vital necessity in sending and an appropriate signal to process initiating violent, illegal and wanton attacks on our citizenry. It is our contention that there is a need for individual treatment and rehabilitation to lower our present rate of recidivism. The Governor's proposed budget doesn't allocate funds earmarked specifically for the treatment and rehabilitation of those offenders who can once again become positive contributors to our state.

The so-called reforming of the present parole system is definitely a welcomed and needed endeavor. We don't feel that the Governor's staunch philosophy, a sentence given is a sentence served...approach is indeed reforming the present system. Originally prisons in this country were begun as institutions of reform. The earliest reformers believed that sentence and Bible study in solitary confinement would lead inmates to see their errors. Instead more grew violent and became mad and as a result, punishment rather than rehabilitation became the justification for prisons. Our feeling is that the vital rehabilitative aspect most essential in any prison and parole reform is missing in the Governor's proposal. Numerous studies have been conducted to indicate the majority of criminals would prove to be curable with the proper vocational and rehabilitative support. Academicians and researchers have studied the rehabilitation of prisoners and in 231 vocational, therapeutic and educational programs the overwhelming conclusion is that rehabilitative efforts in their studies had a positive effect on recidivism. Further stated is the fact that Parole Boards are ineffective having "little if any firm basis for predicting which inmate if released would obey the law. Needless to say the Governor's parole reform is ludicrous and blatantly insensitive to those men presently incarcerated who've been model prisoners. Under this plan there's nothing possible to get so-called good time or parole.

In addition the Governor's measure authorizing the state to sell \$102 million in bonds to add 2,380 new prison cells is an exercise in futility. It should be noted that even though Pennsylvania's prison population has increased from 8,243 residents in 1980 to 9,420 in 1981 more prison space is not a long range answer to the social problem of crime. More space to warehouse these men and women doesn't help with the question of what we must do to make one another socially responsible to each other's property, health and well being. The more plentiful the storage area, the increase in the numbers of persons receiving little if any rehabilitative services, the more dangerous the individual who's been caged becomes. Consequently the Thornburgh administration is creating more socially unprepared persons to be re-entered into our communities worse than they were when they entered the institution.

## The Medical Assistance Program

Medical Assistance, or "Medicaid," is a program funded by state and federal funds that provides low-income families and welfare recipients with a broad range of health services. The program covers such services as nursing home care, in-hospital stays, home health care, office visits for physical exams, drugs, and eye and dental care.

Thornburgh's Budget for state fiscal year 1982-83, which begins July 1, 1983, proposes cuts in the Medicaid program. The Governor is proposing an 8% cap, or limit, on the amount spent for hospital care for the poor under Medicaid, even though hospital costs are rising at about 16 percent. The Governor is not, it appears, willing to set rate controls to control hospital costs for non-Medicaid services, but rather chooses to restrict the availability of funds for services to the poor. This proposed "cap" on reimbursement for hospital medicaid costs will most likely mean fewer in-hospital services for Medicaid recipients. As the welfare rolls swell due to high unemployment and as the numbers of elderly persons continue to rise, there will be more Medicaid recipients in Pennsylvania and fewer dollars for their health care under the Medicaid program. Thus, the impact of the cuts and the cap will be felt throughout the Medical Assistance Program.



The Governor's budget in part anticipates some of the changes which President Reagan has proposed in the federal budget for Medical Assistance and Medicare. The President has proposed a 5% reduction in Medicaid funding beginning October 1983, and he also plans to reduce the federal matching funds for optional Medicaid services, such as eyeglasses, dental care, and prescription drugs.

In addition, the President has suggested that Medicaid recipients be required to pay at least \$1 for each visit to a physician and for each day in a hospital. This "co-pay" requirement has not previously been allowable under the state Medicaid program and has been criticized as a program that imposes great hardship on the impoverished.

The President's budget also has proposed key changes in Medicare—the federal Social Security health program—by requiring Medicare beneficiaries, primarily the elderly, to pay 5% co-insurance for home health care.

The Secretary of the Pennsylvania Department of Public Welfare, Helen O'Bannon, has stated publicly that older residents would probably suffer as a result of Reagan's proposed 1983 budget. She pointed out in a recent interview that Reagan plans to count energy-assistance grants for home-heating as income when calculating Medicaid payments to the elderly. Thus, the elderly may have to choose between heat and health.

(For additional material, see Appendix.)

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I hate to take up your time—I know that many of the members are getting restless here—but I am compelled to do so. And we can laugh and we can make jokes about all the membership over here that stood up and spoke their minds this evening. The fact is that the speeches that have been made and the debate that has been addressed is really the only input that most of us, if not all of us on this side of the aisle, have had into this budget. There are a number of concerns that I have in my district, specific concerns, but I think the overriding concern as far as our input into this budget is so important that I would like to first emphasize that.

When I was in fifth grade back in the St. Joseph School in Sharon, Pennsylvania, I had my first civics class. We studied the process of government and what was called and explained to us as the checks and balance system. We were taught the genius of the system in that the House of Representatives and the Senate had the power and the authority to control appropriations. We also learned that the House of Representatives—which we are, at the State level—is that branch of the government which is most accountable to the people, most responsible to the people, most accessible to the people. For this reason the drafters of the Constitution in their wisdom allowed us to have the input into a budget so that we could address the needs of the people directly who reach us. Unfortunately, under the process that has been used over the past several years, we have not had this opportunity.

I have a very active legislative office back home. We have responded to literally thousands of constituent requests, and among those have been requests dealing with budgetary matters. It seems that under the budget, if you are not vested or if you have not been in the budget in the past 5 or 6 years, there is no way of getting into the budget. So the process we

are using has effectively left out any new organizations, any associations whose interests have broadened or who have had new need for financial assistance. In my district I have had a number of these associations and organizations who have approached me, and I have been forced to tell them that, unfortunately, I would be very ineffective.

I think that this is a travesty and I think it is something that should not be allowed to happen. So rather than submitting my remarks for the record, I want to take the time to speak my mind on this subject.

In the world of law, contract law, there is a term that is used to describe contracts which really provide no benefit to one of the parties to the contract. That term is known as an illusory contract. What happens when you have an illusory contract is one of the parties appears to be deriving a benefit from the contract but in fact is not. Because of this, the courts will hold that the contract is invalid and will be set aside as if no contract existed. I would like to refer to this budget, Mr. Speaker, as an illusory budget, because it pretends to provide the finances that are necessary to finance the programs, the projects involved in the budget, yet in fact that is an illusion.

I think it is irresponsible on our part to pass a budget tonight, as I suppose it will be passed, that all of us realize in our hearts will not have the proper revenues to support the programs involved.

I represent a district that I think is a district of winners. In the world of sports, our teams have come down to Harrisburg; they have had a long tradition of representing themselves and doing a fine job and have brought home many State titles. In the world of business, our industries and our business leaders have proven themselves capable. While many of the heavy industrial areas have been hurt because of failure on the part of the industrial leaders to revitalize their capital and to reinvest in their plants, industries in my district have spent literally millions, hundreds of millions, in recapitalizing their plants.

I think that a district like that deserves to have a Representative who would come down here and fight for it, who would represent it like it represents itself, be it in the field of sports, academics, or the world of business. I think that by allowing this illusory budget to be passed this evening without giving the rank-and-file members of this House of Representatives an opportunity to represent the people whom they do represent is a great insult to each of us. I think, as I stated once before earlier in the term, if we are to relegate ourselves as messengers to the people back home, as troubleshooters and problem solvers only, and not allow ourselves to have the opportunity to truly represent the people in the important fiscal concerns of our districts, then we should probably reduce our salaries and be messengers rather than legislators.

This is the single most important piece of legislation this General Assembly will face this year, yet we have no opportunity to amend or to address the needs of our districts. I am concerned with language in the legislation that would appear to allow the local counties to have the discretion over drug and alcohol abuse programs. Currently we have an excellent program in Mercer County, and I am afraid that this language



could eradicate that program, and I believe the program is very crucial.

When I was elected a short year and a half ago, Mercer County boasted an unemployment rate of 7 1/2 percent. The economic recession that has hit Pennsylvania now finds the unemployment rate in my district pushing 17 1/2 percent. It concerns me, when unemployment is at this rate, that we may lose drug and alcohol abuse programs due to ambiguous language which is contained in the legislation.

Although I am sure that my words are falling on deaf ears, I nevertheless feel compelled to have stated them. My constituents deserve to be represented here, although I have no opportunity to amend or to provide input into the budget itself.

As a final word, I would like to state that on two separate occasions, representatives of the administration have visited my district and have stated to people in my district that their legislator would have input into the block grant program. I fail to see how this can be when I am only allowed the opportunity to vote "yes" or "no." I do not consider that any valid input, and I think that those representatives of the administration who came to my district and told my constituents that I would be given this input have perpetrated a fraud.

I come from the county, Mr. Speaker, that boasts the worst roads in the Commonwealth of Pennsylvania. I noted an article in the Harrisburg Patriot that most of the counties will receive cuts in maintenance spending in this current budget that we are dealing with tonight. Through, I think, bipartisan efforts from the area legislators - myself, Mr. Fargo, Mr. Wilt, and Ralph Pratt, who represents part of the district - we have managed to bring to PennDOT's attention the terrible needs that we have in the area with roads, and I think that that shows that a bipartisan effort can result in benefits to an area if you are given some input.

Mr. Speaker, I was very saddened that I have not been given the opportunity to have input into this budget, because I think that I could have done my district some badly needed good.

#### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Because of the lateness of the hour, I would like to submit my remarks I would have ordinarily made at this time for the record.

The SPEAKER. The Chair and the members greatly appreciate the position taken by the gentleman, Mr. Wambach. Perhaps the gentleman will have started a trend.

*The gentleman will send his remarks to the desk.*

Mr. WAMBACH submitted the following remarks for the Legislative Journal:

Mr. Speaker, I too must add my voice to those who have objected to this abuse of the legislative process.

My constituents in this city elected me to be a full participant in these important budget decisions, and not merely to flip a switch, vote yes or no, on the spending of 10-plus billion dollars.

I object strongly to this and to the whole manner in which this budget has been handled.

Some people say the average person does not care about the mechanics of the budget process, about how it is passed, just as long as it is passed and does not affect taxes. I do not believe that is true of the people who live here in Harrisburg. Many of them are closely involved in State Government and understand how it works, and they understand that they, as a result of this budget process, have been shut out of these decisions.

Through the local media, they have followed the gag order on State college officials, on Education Department employees, and now the gag order on budget information and on this House of Representatives.

They have seen government officials and even Cabinet members abruptly leave their jobs in this administration when they had the temerity to depart ever so slightly from the administration line promulgated by the Governor's Office.

Now, it is time somebody drew the line and said to our chief executive, you cannot conduct a government by gag order without doing violence to individual rights, to our Constitution, and to government traditions that have nurtured for 200 years.

There are going to be some very serious effects from these policies. Before too long, but sometime after November, we are going to be back here grappling with the fiscal consequences of today's action. And I join with Minority Leader Irvis in pledging now that I will not vote for a tax increase after having been shut out of these vital budget decisions.

Perhaps worse, the precedents have been set for these tactics to be used again and again, by majority parties, to the severe detriment of government in Pennsylvania.

Whenever a future administration or majority leadership in Pennsylvania finds it expedient to take these shortcuts, to gag a legislature, an educator, a State Government employee, or an ordinary citizen, they will find abundant precedent in the actions of the present administration.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I have several questions for a couple different individuals, and I want to direct them to the people who would be most appropriate.

The first questions would be most appropriately directed to Representative Burns, if he is available.

The SPEAKER. The gentleman does not consent to interrogation. The gentleman may proceed.

Mr. COWELL. Would Representative McClatchy consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, first of all, on the question of the \$72 million for the equalized supplement for student learning, that is a new line item, and that is new language to the budget. Could you tell us what "equalized supplement for student learning" is?

Mr. McCLATCHY. I think that will be determined in another bill.

Mr. COWELL. Mr. Speaker, am I correct in interpreting your response then that we are being asked to vote on a \$72-million appropriation for something that is not yet defined and will be defined in another bill?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Mr. Speaker, do you have any indication of how that—and can you share that indication if you know it—\$72 million will be spent, what the basis for distribution will be?

Mr. McCLATCHY. It will be for education.

Mr. COWELL. Mr. Speaker, I represent three school districts, and I think most of the legislators, all the legislators, on this floor represent at least one and many represent more than one, and I think that as we vote on a \$72-million appropriation, we and our constituents would legitimately ask how much of that appropriation is going to go to our respective districts, the question being, of course, will we or will we not get our fair share? And, of course, members on your side of the aisle as well as on this side of the aisle would rightfully ask that question. Can you share no information with us about what school districts will get how many dollars or what percentage of that \$72 million?

Mr. McCLATCHY. I think that decision will be made later on tonight.

Mr. COWELL. Mr. Speaker, it is my understanding that a printout that suggests at least one method of distributing those dollars has already been distributed to the Republican members of this House. Are you aware of that?

Mr. McCLATCHY. I have not distributed any printout. I am aware of a proposal, but it is only a proposal.

Mr. COWELL. Mr. Speaker, are you aware that a printout has been distributed to the members on the Republican side of this House?

Mr. McCLATCHY. I did not distribute one. I think—

Mr. COWELL. Mr. Speaker, I did not ask you if you distributed a printout; I asked if you were aware that a printout had been distributed.

The SPEAKER. The gentleman, Mr. Cowell, will yield.

The person under interrogation has the right to completely answer the question in the manner he sees fit. The gentleman, Mr. Cowell, will get every opportunity to continue his interrogation, but please do not interrupt when the person is in the course of an answer.

Mr. COWELL. Mr. Speaker, I only interrupted because I was getting the incomplete answer for the third time, or the nonresponsive answer, and I thought maybe I was not making myself clear. But thank you for the suggestion; I will try to abide by that.

The SPEAKER. The Chair thanks the gentleman.

Mr. COWELL. Mr. Speaker, are we correct in understanding then that the method of distributing this \$72 million which you are asking us to make law—that is, the appropriation, make law the \$72-million appropriation this evening—the method of distributing the \$72 million is not yet found anywhere in Pennsylvania law?

Mr. McCLATCHY. I have already answered that question. It is obvious you are trying to get at something you know. I cannot answer any more than what I have.

Mr. COWELL. Then your answer was it is not part of the law and it will be considered in another bill.

Mr. Speaker, we can move on to another line item, and that is vocational education. As we compare the figures for 1981-

82 in terms of what was available and compare that to the appropriation in this conference report, the appropriation for vocational dropped from approximately \$38.9 million to \$24.5 million, a decrease of roughly \$14 1/2 million. Could you explain the reason why we are apparently appropriating \$14 1/2 million less in funding for vocational?

That is sequence No. 211 on the printout, if you are referring to that.

Mr. McCLATCHY. I think that relates to the prepayment. We will be making payments on a periodic basis to avoid any cash flow problem, and in addition, there will not be a need for the school districts to return the money that they usually return at the end of the year. That will be redistributed, so there will probably be a \$10-, \$12-, \$13-million excess to be distributed at the end of the year. There is really no cut in that program.

Mr. COWELL. So despite the fact that the numbers appear to suggest that we are appropriating \$14 1/2 million less this year than last year, you are suggesting that in fact there is not a cut?

Mr. McCLATCHY. That is correct.

Mr. COWELL. And that relates to the changes in advance funding? Would that be a good way of summarizing it?

Mr. McCLATCHY. That, in connection with the forgiveness of what they usually turn back to us at the end of the year. That is correct.

Mr. COWELL. Has there been any estimate or do you believe that there would be any impact on the cash flow situation of the school districts that receive these dollars or the vocational schools that receive these dollars?

Mr. McCLATCHY. There should not be any cash flow problem.

Mr. COWELL. I did not ask if there would be a problem. I said, would there be an impact? Would there be any change?

Mr. McCLATCHY. Cash flow-wise, I do not believe there would be a change.

Mr. COWELL. So you are suggesting that the lesser appropriation combined with the forgiveness would be a wash then?

Mr. McCLATCHY. That is correct.

Mr. COWELL. All right, Mr. Speaker.

Is that provision for changing the advance funding part of current law or will that also have to be addressed in some other legislation?

Mr. McCLATCHY. That will be later this evening, yes.

Mr. COWELL. And you expect that that will be a part of that same bill where the subsidy formula might show up?

Mr. McCLATCHY. That is my understanding, yes.

Mr. COWELL. Mr. Speaker, in the area of special education—this is one of the questions that I wanted to direct to Representative Burns, but perhaps you could address it—we have seen several different proposals floating around that deal with the funding of special ed. SB 82, of course, is in the Appropriations Committee. There have been a variety of ideas. Some of them have dealt with the cash flow or the advance funding for special ed. Is this particular budget predicated on any changes or any anticipated changes in the area of funding of special education?

Mr. McCLATCHY. No.

Mr. COWELL. None at all?

Mr. McCLATCHY. None at all.

Mr. COWELL. Mr. Speaker, we are hearing from many of our constituents around the Commonwealth that because the issue is not adequately addressed in law, the Department of Education is able to administratively decide not to approve any additional admissions to approved private schools for preschool children. Are you aware of that issue?

Mr. McCLATCHY. I am not aware of that issue, no.

Mr. COWELL. Can we assume then that that issue was not addressed in this conference report?

Mr. McCLATCHY. All I know is that the system that we have will remain the same. I am not aware of the problem you are talking about.

Mr. COWELL. All right. Thank you, Mr. Speaker.

Let me move on to the question of sequence No. 229. That is the issue that deals with the retirement payments, or the payments for retirement for school employees. This budget, this conference report, would appropriate above last year's level approximately \$21 million. Mr. Speaker, I believe you were in the room at the same time I was when we had the public hearing and the gentleman from the retirement board came before us and indicated that the \$21-million additional appropriation would be inadequate and that the retirement board was calculating that above that \$21-million figure, an additional \$15 1/2 or \$16 million might be necessary. Do you recall that comment from the gentleman from the retirement board?

The SPEAKER. Will the gentleman yield?

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair asks the gentleman from York, Mr. Anderson, to preside temporarily.

#### THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF SB 929 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

I just completed a question, if the gentleman recalls that.

Mr. McCLATCHY. I am aware of what was said. Obviously we do not agree. We have checked with the administration and we think we will be all right for this year.

Mr. COWELL. Do I understand that the administration and perhaps some of your staff of the Appropriations Committee feel we will be all right if certain legislation is passed, certain other legislation?

Mr. McCLATCHY. That is correct.

Mr. COWELL. And could you describe that other legislation that would be necessary if this \$21-million appropriation is to be adequate rather than the \$36 million that the retirement board says is necessary?

Mr. McCLATCHY. I believe the legislation would allow the retirement system to expand their yield.

Mr. COWELL. Is that the same legislation that the actuarial adviser for the retirement board spoke to when he addressed this question before the Appropriations Committee and when, as I recall, he said that legislation was actuarially unsound?

Mr. McCLATCHY. That, of course, is his view, and it is disagreed with.

Mr. COWELL. But that, of course, was the official adviser to the retirement board who advised the board and advised the members of the Appropriations Committee that that would be actuarially unsound. Is that correct?

Mr. McCLATCHY. That is not the official adviser we are going by.

Mr. COWELL. We are going by a different official adviser. Could you identify the other official adviser so we might know who would be responsible for this?

Mr. McCLATCHY. Yes. We are waiting for an actuarial note from the Actuarial Commission on that.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

Let me move on to page 18 of SB 929. The issue is the institutional assistance grants. The language on page 18 of the conference report would cap the institutional assistance grants at \$450. The testimony that we received during the appropriation hearings from members of PHEAA (Pennsylvania Higher Education Assistance Agency) and, I believe, some others who commented, was basically in line with the experience this year, and that testimony and that comment was along the lines that if we are in fact going to spend all of the money that appears in the current year's appropriation and all of the money that appears in this appropriation that we see in SB 929 for IAG's (institutional assistance grants), in fact, a \$500 cap would be required rather than \$450, and that \$450 would not permit us to spend all of those funds. Do you recall those comments?

Mr. McCLATCHY. Yes; I agree with those comments. There was an attempt to try and correct that problem. There will be a further attempt with further legislation. At this point in the appropriation bill, the law requires it, and we will have to change that, and again, I personally intend to support legislation to try and remove that cap.

Mr. COWELL. But we agree then that at the current time the \$450 language in SB 929 would not permit all of the IAG appropriation to be spent?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, has the Appropriations Committee or the chairman of the Appropriations Committee received an official revenue estimate from the appropriate executive officers looking down the road to the 1982-83 fiscal year?

Mr. McCLATCHY. We do not have an official revenue estimate. He will give us one before he signs this bill. We have gotten indications from the Governor's Office what the revenue estimates will be. We think we are in very good shape.

Mr. COWELL. So there are adequate funds to pay for all of the appropriations in SB 929 in light of that revenue estimate?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Mr. Speaker, it is my understanding that the nonpreferred appropriations are not addressed in SB 929. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. COWELL. If we would take the numbers that were recommended for the nonpreferreds, recommended by the Governor in his budget message of February 9, and we add that to the dollars that we would spend in SB 929 and compare that to the revenue estimates, even the informal estimates you have received, are there adequate dollars available for us to fund all of the nonpreferreds at exactly those levels or, at a minimum, those levels that were recommended by the Governor?

Mr. McCLATCHY. Yes.

Mr. COWELL. And does the chairman of the Appropriations Committee have an idea when we might deal with those nonpreferreds?

Mr. McCLATCHY. I believe when we return. The Senate has indicated they want to start that procedure, and that is what we are waiting for.

Mr. COWELL. One additional question now in this area of education. When we recognize that we are adding to the basic instruction subsidy the amount of \$72 million for the equalized supplement or whatever we are labeling it, what percentage would one calculate if one were trying to determine what portion of local school district basic instruction costs are in fact being funded by the Commonwealth?

Mr. McCLATCHY. I do not have that exact figure. We have always banded about our support for education, and, of course, we do not view the basic instruction subsidy the be-all and the end-all. We feel that we are funding education at the State level by about 56 percent.

Mr. COWELL. So you do not have a figure on the basic instructional cost, though?

Mr. McCLATCHY. I think that will be determined tonight, but it is roughly 40 percent.

Mr. COWELL. Adding the \$72 million—and I recognize we are not adding it to BIS in the traditional sense, but let us assume that it is going into basic instructional costs—when we add the \$72 million, is the percentage of our contribution for those basic instruction costs increasing or decreasing as we compare the new fiscal year to the one we are currently in?

Mr. McCLATCHY. I would say it is roughly the same percentage we have now.

Mr. COWELL. Thank you, Mr. Speaker.

A couple of quick questions on other areas. There was a comment earlier, and I believe a question may have been directed to you, concerning mental retardation interim care, and you noted that that is a new line item. It amounts to approximately \$25.3 million. Could you tell us what MR interim care is? That again appears to be new language to this budget document.

Mr. McCLATCHY. It has been part of the budget right along. It is not a new program. It has been separated out, and new money has been put into it.

Mr. COWELL. It has not been a separate line item in the past, but it has been included in some other line item?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Could you tell us what it is in particular, how we distinguish that, and why you chose to distinguish that from the rest of the line item in which it used to be placed? What makes it different this year?

Mr. McCLATCHY. It is money that goes to the counties for private licensed facilities, and we wanted to make sure we directed the increase toward those facilities.

Mr. COWELL. That is the only change? We are not talking about a new program or a new method of funding?

Mr. McCLATCHY. That is correct.

Mr. COWELL. We are simply searching out those dollars and putting them aside so we guarantee that they go to that purpose?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Mr. Speaker, in the area of sequence No. 181, that line, community revitalization activities, there is a cut in SB 929 of \$2.5 million when compared to what the Governor recommended. Could you explain that reduction of approximately 25 percent of the Governor's recommendation?

Mr. McCLATCHY. It is \$2.5 million above last year's request, \$2.5 million below the Governor's, and we think that kind of an increase is sufficient.

Mr. COWELL. The Governor spoke of a new program in that line item. I think he called them some kind of enterprise zones. Will that proposal of the Governor's be affected directly by the \$2.5-million cut?

Mr. McCLATCHY. It certainly will not expand as fast as the Governor would like it, but we think for this tight a budget, those are sufficient funds.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to direct a question to one other gentleman on the floor; that is, Representative Wass, if he would submit to interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, when we debated SB 929 2 or 3 weeks ago, I was very pleased to support an amendment that the gentleman offered dealing with an appropriation of \$6.3 million to the State colleges and university. I explained at that time that I thought it was important that we all appropriate those dollars and support that appropriation because it was vital to help keep tuition at those institutions less than it otherwise might be, and I indicated, as I recall, at that time I hoped we were doing more than just establishing a voting record for some of the people on this floor and that we were serious about that. Could the gentleman, Mr. Wass, show me in SB 929 where that appropriation appears?

Mr. WASS. Mr. Speaker, will you please repeat the question?

Mr. COWELL. Mr. Speaker, you offered an amendment a couple of weeks ago to SB 929 in the amount of \$6.3 million. We supported it nearly unanimously or perhaps unanimously

on this floor. I ask you to point out in this conference committee report that amendment that provided the \$6.3 million to the State colleges and university.

Mr. WASS. Mr. Speaker, may I ask you, do you know the answer to the question?

Mr. COWELL. Mr. Speaker, we just got this bill a couple of hours ago, and I have been trying to read through it. I could not find it. I thought you could point it out to me.

Mr. WASS. Mr. Speaker, may I again ask you, do you know the answer to the question?

Mr. COWELL. Mr. Speaker, I cannot find it in SB 929. As the author of the amendment, I am sure you know if it is there. Will you tell me where it is?

Mr. WASS. As you already know, it is not in the bill. It has been removed from the bill.

Mr. COWELL. Well, thank you, Mr. Speaker. I thought I had missed it.

Mr. Speaker, is the gentleman, Mr. Wass, suggesting that the members of this floor support SB 929 without that amendment and that language and that appropriation being in the conference committee report?

Mr. WASS. Mr. Speaker, I must admit that I am not satisfied that the \$6.3 million has been removed from the conference committee report. But as you know, Mr. Speaker, when the \$75 tuition increase was anticipated for the students, I sent a letter to Mr. McClatchy, the Appropriations Committee chairman, and suggested that he remove from his committee HB 1520. Mr. Speaker, I did not follow the pattern of many who appeared in the rotunda and made a big deal about new legislation that was being proposed to help the students. Those who were proposing that new bill knew at that time that there was a vehicle in the Appropriations Committee, HB 1520, and that it was important to remove that bill from the Appropriations Committee. A new bill was not necessary.

Mr. McClatchy of the Appropriations Committee advised me that he would not remove that legislation from the Appropriations Committee because of insufficient funds. At that time, Mr. Speaker, I had written to Mr. McClatchy suggesting to him that he could anticipate that I would be presenting an amendment to the supplemental appropriation that would include the \$6.3 million, and as you know, Mr. Speaker, we all supported that, and I was very pleased with that, but you also know that in the Senate, the Senate did not concur in that bill. The bill went to the Appropriations Committee, and it is now not in it.

Mr. Speaker, I have a concern about higher education, about higher tuitions, but I want to share with you that I take some satisfaction in the fact that this budget does include an increase, a 9-percent increase, in the PHEAA grant, the PHEAA fund, where students of need will have access to loans and grants. I would also share with you that I take much satisfaction in this budget that we have increased the appropriation for the Agriculture Department. I take much satisfaction in this budget, Mr. Speaker, that we have increased additional funds for the veterans.

So, Mr. Speaker, although I am somewhat disappointed that my amendment was not included in this appropriation, I

must admit to you that as I consider the State and the constituents in entirety through the State, I take some satisfaction that we will pass a package that will impact upon most of our citizens in a positive way.

Mr. COWELL. Mr. Speaker, does the gentleman appreciate how much leverage any one person on your side of the aisle has this evening if you truly believe in any particular principle or any particular issue?

Mr. WASS. Mr. Speaker, I realize how much leverage I have. I know that you have been in my district and shared with my constituents how little influence I have. You do with your discussion and your interrogation what you have to do, Mr. Speaker, because we know what your intents are here, but I take satisfaction and I will answer to my constituents on my vote.

Mr. COWELL. Mr. Speaker, do I assume from your answer then that you are giving up on the idea of getting the \$6.3-million appropriation in SB 929 that we thought we had a couple of weeks ago?

Mr. WASS. Mr. Speaker, Mr. McClatchy can attest to the fact that I have already called to his attention my disappointment, and I have already shared with him that in the event the economy would have an upturn to the degree that we could have a supplemental appropriation, I will be considering a supplemental appropriation.

Mr. COWELL. One final question, Mr. Speaker. To put it in very real terms, in the absence of that \$6.3-million appropriation, how much more come September will each student pay for tuition? Is it approximately \$75 per year? Is that the figure that the Department of Education has shared with us?

Mr. WASS. I am not sure, Mr. Speaker, but again I would refer to the increase in the appropriation to the PHEAA fund, and I do not think you can even answer that, because on certain students it will have a larger impact, and hopefully, on many of the needy students, they will be able to get a higher education through the loan and the grant system in our great PHEAA fund.

Mr. COWELL. Mr. Speaker, I appreciate the gentleman's consenting to interrogation.

I would like to make some summary remarks, if I may?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, a number of the members on this side of the aisle anyway have taken the time to explain how and why they will vote this evening, and I share many of those feelings and sentiments and reasons. I would like to just simply highlight a couple.

One, we cannot say it too many times, the procedure stinks. We are not as legislators supposed to simply vote to approve or disapprove a budget. We are supposed to participate in the process of shaping a budget, and that occurs realistically only if we have an opportunity to debate and consider and vote on amendments on this floor, and members have been denied the opportunity to do that in each of the last 4 years now, but more importantly and more confusingly, a majority of the members of this House in each of the last 4 years have voted

to deny themselves that opportunity, and I do not know how you go home and answer to your constituents and explain that away. To deny yourself the opportunity to consider amendments, as one did when we chose not to suspend the rules, is simply to say, I am going to give 100-percent approval to this budget, and I am not even going to take the chance of considering debate or the chance of considering an amendment, a chance of maybe giving myself an opportunity to vote for the \$6.3 million for the students and for the State colleges and university that I say I believe in and that some of you say you believe in. You denied yourself a chance to do anything about it, and that is really confusing to those who observe us from the outside and confusing to some of us who think that it is a precious right that we have to participate in this process to the fullest extent.

Additionally, we have a responsibility to pass a balanced budget, and we have yet, as members of this House and Senate, to get any kind of official revenue estimates. We really do not know for certain how much money we have available to spend, and so how can we responsibly say we are going to put our stamp of approval on this particular budget, particularly at a time when we hear so many stories about inadequate revenues and deficits? And those who approve this tonight in the absence of that firm information might be voting for a deficit.

Equally as important is the fact that there are several important pieces of legislation that would tell us how \$72 million of school moneys would be spent, that would tell us that we are going to change the cash flow situation in voc ed so that we would not need \$24 million, or \$28 million, I guess it is, if we can get away with a lesser figure - some \$14.5 million less - and there are a number of items like that. But in the absence of that legislation, we do not know how a lot of this budget is going to be spent, and secondly, we do not have any real assurances in the absence of some of that legislation that is intended to save money that the money will actually be saved, and without that legislation becoming law, we might have a deficit budget again. It is irresponsible for us to give our approval to this tonight in the absence of that very important information.

As we look at the area of senior citizens, I think it is important that those who vote for this this evening recognize that they are putting a major vote of approval on what is basically a breach of contract or a breach of promise with the senior citizens and all those people who buy lottery tickets around this State.

A long time before most of us were here, when the lottery system was established, people were told this is to fund new or expanded programs for senior citizens. But what we see in this budget is \$14 million of State General Fund revenues being taken away from senior citizens, and we are telling them, well, we are going to make sure you are taken care of and you are going to get more, but we are going to raid the Lottery Fund for the \$18 million to do that.

I remind you that that is \$18 million that would otherwise be available for new or expanded benefits for senior citizens. It might have helped pay for that extra \$100 that was taken

away from hundreds of thousands of senior citizens a few weeks ago because we supposedly did not have money. We did not have money because the architects of this budget, including the Governor, had other plans for that money. But what we are doing is setting the precedent so that in the future, year in and year out, we will be able to tap that Lottery Fund and those revenues for whatever we see fit, but not necessarily for new or expanded programs, as the commitment once was, for the senior citizens of this State.

As we look at the education issues, we find that there are far too many unanswered questions. We do not know how the \$72 million is to be distributed. We do not know really what is going to happen with voc ed funding, although it might have, we are told by some of our school directors, an impact on their cash flow. We do not know, though; we have not seen that legislation, and we will not see it until after we pass this budget. We do not know what the real impact of the actuarial situation is with the school employees' retirement fund. We are told by at least one of the actuarial advisers to the board and by the executive director of the board itself that the \$21-million appropriation in SB 929 and the Governor's budget was inadequate and that it was short by \$15.5 million, but we are told that, well, that is just one adviser, and we have some other legislation that we might consider, and we might work it out, but on the other hand, we might find another \$15.5-million deficit in that particular part of the budget.

We could run through a long litany of questions that remain unanswered as we go through this process this evening, but the bottom line is that the members of this House on both sides of the aisle do not have the information with which to make an informed judgment and to cast an informed vote on SB 929 or this conference report, and therefore at this time, in the absence of that information to make an informed vote, we ought to reject the conference report this evening. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I can fully recognize that probably every member of this House has his mind made up. Certainly, based on the number of people who are currently on the floor, that would appear to be the case. But what distresses me, Mr. Speaker, is I look down there toward the front of this chamber, where we are supposed to see the people who are carrying the message of this debate out through the news media of this Commonwealth, and I do not see anybody there who looks like he is in the news media. I think I recognize those people as being staff. And I hope that the people up in the press room take the time, or have taken the time, to listen over the roar of the card game to some of the arguments which have been made here on the floor of the House of Representatives tonight, because we are going to vote to spend \$10 billion, and tomorrow in the news media what we are going to read is a few remarks from the majority leader and a few remarks from the minority leader and basically the reference to the fact that lots of debate was forthcoming before an empty chamber and that, you know, it was a straight party-line vote, and I think that is,

going to do a terrible disservice to the democratic process in this State, because there have been serious issues raised here tonight. Some of those issues involve philosophical differences of opinion, and we are never ever going to be able to resolve those entirely. Some of them involve accuracy of numbers, and we probably cannot resolve those accurately tonight either. But they are issues which are going to come back to haunt us and that we are going to have to address later this year.

Mr. Speaker, as I look at this conference committee report and everything that is jammed into it, and as I have listened to Mr. McClatchy's answers and I have sat in caucus and listened to members of our staff try to answer questions about this, I cannot help but be reminded of the debate in the United States Congress last year when all of the Reagan budget was shoved into one document, and they were voting on things which were scribbled on the page, and they did not know whether that was somebody's phone number or whether that was the amount of the money that was going to be used for the MX missile. Mr. Speaker, after they did that, at a time when no one on either side of the aisle knew what they were voting on, the Republicans had their way and they passed the budget, and everybody said, this is a great and grand and glorious thing and that prosperity is upon us. And now, Mr. Speaker, as we look in Washington, we see that is not the case, and both parties recognize that there is a serious deficit and that something is going to have to be done.

I am afraid, Mr. Speaker, that we are taking a big step tonight toward bringing ourselves ultimately to that similar day of reckoning in Pennsylvania, and I think, Mr. Speaker, that those of us who think that this budget can be cut ought to have an opportunity to propose some ways to do that, and those of us who do not agree with the priorities that this budget sets ought to have an opportunity to try to change those priorities.

Mr. Speaker, I am somewhat amused and also distressed at the enthusiasm which the chairman of the Appropriations Committee showed earlier this year for cutting a couple hundred thousand dollars out of the budget of the Office of Consumer Advocate, and he said it has not been proven cost effective, and he also told me a long time ago, over a year ago, when we were arguing about the budget for the Office of General Counsel, that we have a way in Harrisburg to take care of bureaucrats who waste money. Well, Mr. Speaker, I am distressed that it does not seem to me, based on the performance on this conference report, that that kind of enthusiasm for taking money away from something which can actually help save consumers millions of dollars reflects itself at all in SB 929. Let us look at a few specifics.

First, the general government appropriation across the board is increasing by about twice the rate of the general budget increase. Now, I can remember Governor Thornburgh coining the phrase, we are going to do more with less, but, Mr. Speaker, if in fact we are cutting the services and the benefits, or not increasing them by more than 4 or 5 or 6 percent, at a time that we are increasing the bureaucratic budget by 10 percent, it seems to me that that statement ought to be turned

around, and what we are really doing is a whole lot less with a whole lot more, and I do not understand that, Mr. Speaker. I do not understand why, when the fiscal conservatives in this House have gotten up and ranted and raved and made ad hominem attacks on Jim Manderino and other members, why they do not feel it incumbent upon themselves to explain to us how it is that the general government categories can go up so much at a time when the Governor is claiming credit for drastically reducing the State payroll. Let me try to provide some answers.

First, I think what we have seen is, those reductions in the State payroll have come from people at the bottom of the pay scale, and what we have not really touched are the middle management and top management positions. We seem to have no problem moving people back and forth to big-paying jobs in this administration, and we seem to have no problem finding \$38,000, \$38,000, to hire some public relations person to work for Jay Waldman in the General Counsel's office, and I do not understand that, Mr. Speaker, and I do not understand why that is fiscally conservative, and I do not understand why when somebody on this side of the aisle raises that, that is dismissed as just being partisan nonsense. If we really believe in fiscal conservatism, Mr. Speaker, it seems to me that is the sort of thing we have to stop.

In addition, Mr. Speaker, I suspect that if we looked a little harder at this budget and how much is being spent in general on public relations, we might have our eyes opened. As a result of an amendment which this House of Representatives approved overwhelmingly a year ago, we were for the first time this year able to force the Governor to itemize in his General Fund budget how much he proposes to spend for public relations in each government agency, and we see over \$5 million in admitted expenses. Now, we could debate the rhyme and reason for that in any one particular case, but as far as I can see from this budget, there has not been any effort made to tighten up on that at all. The Governor's requests for general government expenditures with very few exceptions have been granted. In fact, in some cases they have even been increased. I do not understand, Mr. Speaker, when we are putting people off the welfare rolls, and when we are putting people out into the community who are severely retarded and who may not be able to handle that kind of situation, and when we are underfunding education, and when we are met with a budget deficit, why we are not at least trying to scratch the surface and do something about government by public relations.

In addition, Mr. Speaker, I do not understand why, at a time when we are facing what is almost certainly going to be a budget deficit, we are not trying to do something to cut the commercial advertising budget in this State. We have talked about this issue before, and once again I come back to the gentleman, Mr. McClatchy's enthusiasm for cutting the Consumer Advocate because it is not cost effective. I have yet to receive and I have yet to have anybody present on this floor any information which would provide statistically any justification for the cost effectiveness of the industrial advertising program or the cost effectiveness of the "You've got a friend



in Pennsylvania" program. Those people who got that \$3 1/2 handout that was given out at the travel banquet here a couple weeks ago, I would challenge anybody to demonstrate how that is going to have any significant effect on the number of people who come to Pennsylvania and spend tourist dollars in this State. I do not understand why we do not look at the cost effectiveness of those kinds of programs and why we do not begin to make some cuts.

Now, Mr. Speaker, I also do not agree with some of the priorities in this budget. Look at the Department of Environmental Resources. If the constituents in my district are any indication, they are not satisfied that the Department of Environmental Resources is doing the job when it comes to handling coal dust problems, or that the Department of Environmental Resources is doing the job when it comes to determining the safety of Philadelphia's sewage sludge, or that the Department of Environmental Resources is doing the job when it comes to patrolling the hazardous waste industry. Now, I recognize that the case can be made that this budget has been substantially increased in that one particular area, but I point out several factors: One, there is a half-million-dollar cut; two, many of the people who were being taken care of by that increase are actually staff people who were hired during the last fiscal year. There is not going to be a whole lot of money to hire a lot of additional inspectors to come out there and check to see whether sewage sludge is polluting the ground water, or whether it is being handled properly, or whether what is in fact being delivered is really sewage sludge. What I want to know, Mr. Speaker, is why, at a time when the public is demanding that we do something to control those kinds of things and demanding that we do something about toxic waste, why we are spending \$5.2 million on public relations and \$3.-something million on industrial advertising and commercial advertising for tourism and why we are not taking a couple million dollars of that and putting it into beefing up and giving the Department of Environmental Resources the money they need and the money which they requested from the Budget Office. I do not understand that, and I do not understand why that is good government or good priorities.

I also note in the DER section of the budget that next year's budget proposes to cut the gypsy moth appropriation. I think that is especially ironic, because next year is when the gypsy moth appropriation is probably going to be most crucial in my county, so I think that is a good reason to vote against this budget.

A final point, Mr. Speaker, deals with the Motor License Fund. Now, I recognize that there are going to probably have to be some general government increases in the Motor License Fund, and there may even have to be some increases in the safety and administration section of the Department of Transportation, but safety and administration is getting over \$2 million, and that is the group of people who manage to mess up and make our lives difficult because of the mistakes they make in licenses and in registration and in car titles and the like. I do not think we ought to be giving them any significant amount of money until we have seen some improved performance. I do not think we have seen that improved perfor-

mance, and I do not see that this budget does anything to try to give them any incentive to make those improvements.

In addition, Mr. Speaker, the maintenance money in this budget is once again being distributed on the basis of a faulty formula, the same formula, at least it is my understanding, which was used last year, which contains in the measurement of relative pavement quality a clear double counting, a double counting which has the effect of overweighting vehicular miles in certain counties. It seems to me, Mr. Speaker, that that is unfair to about 63 or 65 counties in this Commonwealth, and I do not understand why we ought to be going forward with that. I recognize that the Department of Transportation is willing to make some changes in that allocation formula in the future, but I do not understand why we do not have a chance to do something about that in this budget.

Mr. Speaker, I think that there are many things wrong with this budget and there are some things right. I think this budget could be improved if we had an opportunity to have some input into it. I can understand the rationale for not giving us that opportunity. I can understand the rationale for running this budget when we run it, but I think that it is also incumbent upon those people who vote for this budget tonight, when we come back here after the election in November and have to face some hard choices, that those are the people whose green lights are going to go up on the board when those hard political choices are to be made, because, Mr. Speaker, I think tonight is the time to start making those choices, not after the November election. But it is very clear that we are not going to do that, Mr. Speaker. I just hope and wish that the news media would get that message out across this State, make people realize that there really is something at stake here, but I do not have much faith that that is going to happen either, Mr. Speaker. So consequently, Mr. Speaker, I am going to vote "no" and I am going to be in the minority and there are going to be 102 green lights on, and so be it, and we will get a few ad hominem attacks at Jim Manderino, but I predict that Jim Manderino will have his day in court a little later this year, and some of those people who made the snidest remarks and most sleazy remarks about him and about his method of argument and the facts that he has presented are going to have to eat their words once again. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I am here tonight to talk about failure - abject, lousy, sleazy failure - failure on the part of the administration; failure on the part of the majority party in the Senate; failure on the part of the majority party in the House; and ultimately and eminently, failure on the part of our process. But even more repugnant, Mr. Speaker, than the failure of our process tonight is the acquiescent and servile acceptance of that failure by the 40 Republicans who have never, never, including Mr. Bowser from Erie County, had a chance to vote on these measures one by one. In my opinion, the lady, Mrs. Hagarty, should be a profile in courage.

In my opinion, Mr. Speaker—and I am addressing you and I am addressing Murray Dickman and I am addressing



Richard McClatchy and I am addressing all of the men and women who are in this chamber tonight—there are a group of us who were *persona non grata* in 1977, because we disagreed with the machinery that was in operation one budget night, and we disagreed with the engineer, Milton Shapp, and we disagreed with my colleagues here, and so, for a long, hot summer, we protested, we remonstrated, we expostulated, and I think in the end, in the end, we had input. We had input. I sat in a smoky Democratic caucus, Mrs. Taylor, one night a long time ago, and I heard somebody say something about 2.7 or 2.8 on the personal income tax, but when that personal income tax came about, it was 2.2. So I think that by our remaining during the summer, we did have input. We did have input; we could have input. This process is flexible. There is room for amendment.

Mr. Speaker, the honorable gentleman, K. Leroy Irvis, when he commenced the debate earlier today, when he talked to Mr. Petrarca and Mr. Stewart and Mr. Cohen and the rest of us here, he said, I refuse to point the finger at the Speaker of the House or the majority leader. I do not refuse to point the finger at the Speaker of the House. I do not refuse to point the finger at the majority leader. This is a sleazy process. This is a sleazy process, and while I have the microphone—and excuse me, Mr. Letterman, I have already exceeded my 3-minute self-imposed allotment, but so be it—I think it is time that the administration, the Thornburgh administration, needs assailed at what I consider a cascade of crass crudities that crush a copartnership that should exist in Pennsylvania, a copartnership—one more time—a copartnership.

I am dumfounded; I am perplexed; I am befuddled; I am baffled as to why we do not make decisions regarding money. Why do Murray Dickman and Bill Green and Rick Stafford make those decisions? Why does Jay Waldman make those decisions? Why do not Bill DeWeese and John Hope Anderson and Dick McClatchy and Lois Hagarty? Why do we not make those decisions? Why not?

I want to tell the Chief Clerk—he is paying attention; John Zubeck, thank you for your attention—and I want to tell Murray Dickman. I probably will not get appointed to the Governor's Council on Physical Fitness again, and that gives me a great deal of travail, but nevertheless, I want to tell Mr. Dickman and I want to tell those other people in the administration that I am fond of, personally, in a manly, wholesome way, of course, that this is not a card game. And I do not mean to carry the metaphor because of the obvious activities here in the lobby tonight, but this is not a card game where we are facing a group that purportedly has all the aces. This is the government of the Commonwealth of Pennsylvania. Mr. Merry, Mr. Cappabianca, Mr. Cawley, Mr. Micozzie, on and on, Mr. Freind, all of us, including Duke Marmion, should be making decisions about bills and amendments that deal with money, that deal with money, and we are going to go home and campaign.

I want to make a reference that I think you would appreciate. I think Harry Cochran of Fayette County will especially appreciate this, and I think the other men and women in this chamber will remember about 500 years before Christ. In

Hindu mythology—and I am going to make a very difficult intellectual transmigration, comparing Richard Thornburgh with Vishnu and Krishna of Hindu mythology—but a long time ago, 2,500 years, if Dave Richardson and some of my colleagues can just for a moment stop and remember when what they called a juggernaut, a juggernaut, would come rolling across the Indian frontier. The wheels were maybe 10 or 15 feet high and 4 or 5 feet wide. The people who were involved in the religious exercises of the moment, these fanatical, frenzied people who were following their Hindu motivations, these devotees, would hurl themselves under the wheels of this massive juggernaut, this massive juggernaut, and obviously in their glee, in their bliss, in their unadulterated jubilation, they would be crushed; they would be crushed.

Now, the reason I bring this metaphor into play tonight is because I am convinced that the perspicacity of Mr. Lloyd, the down-home, good thinking of Mr. Gruitza when he described his classroom education at Sharon, Pennsylvania, all these things are going to come to play in the autumn, John Hope Anderson, Mr. Speaker, in September and October and November. That juggernaut, that juggernaut, is going to come home, and I am afraid that some of the slavish, if I might one more time, devotees of this kind of budgeteering will possibly be crushed.

Mr. Speaker, I am about ready to terminate this tirade. For my good friend in the Governor's Office, young Bill Green, I will make one more anecdote, one more anecdote, and then I will retire, at least for the evening.

Lately I have had the privilege of studying the 1750's and 1760's and 1770's. I really mean it is a privilege to go back in my history books and think about what Dick Thornburgh says when he talks about William Penn's holy experiment, holy experiment, and how that holy experiment evolved from the 1680's down to the 1750's and 1760's and 1770's. And what happened in those years? The stamp tax, the sugar tax, the intolerable acts, intolerable acts, the coercive acts, the Townsend acts. Why did these things come about? Because the American colonists had no opportunity to participate in those councils in London. There was no give-and-take, no rapport, no exchange, and this holy experiment that William Penn had conceived was commencing to disintegrate. Well, it did not disintegrate, because it was met with a revolutionary fervor, a revolutionary fervor that is manifest tonight, I believe, in this exceptional chamber, in this exceptional moment when Jim Ritter and Frank Oliver and the rest of us will stand tall and oppose what we consider to be a one-sided, ill-conceived, parliamentary legerdemain. I ask for its defeat. Thank you.

#### THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

#### CONSIDERATION OF SB 929 CONTINUED

The SPEAKER. Does the minority leader dare follow that act?

Mr. IRVIS. No indeed, but I warned you, and that is only the opening gun.

### MOTION TO TABLE

Mr. IRVIS. Mr. Speaker, I move that this committee of conference report, SB 929, be placed upon the table, and I ask that only those members who are actually in their seats be counted.

The SPEAKER. Will the minority leader come to the rostrum?

(Conference held at Speaker's podium.)

### MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I would submit that the attendance on the floor of the House is pretty good for an improperly placed motion. You cannot move to place a committee of conference report on the table, and I therefore withdraw the motion.

The SPEAKER. The Chair thanks the gentleman, and before the various members return to from whence they came, there are only three more speakers, all of whom have promised to be very short. In other words, do not leave.

The Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Will the gentleman, Mr. McClatchy, stand for one question, please?

The SPEAKER. The gentleman, Mr. McClatchy, indicates he will stand for interrogation. The gentleman, Mr. Tigue, may proceed.

Mr. TIGUE. Mr. Speaker, just for the record, is there anything in this budget that would increase salaries, expenses, or any other compensation to members of the legislature?

Mr. McCLATCHY. No.

Mr. TIGUE. Thank you, Mr. Speaker.

I would like to make a statement, please.

The SPEAKER. The gentleman is in order and may proceed.

Mr. TIGUE. Mr. Speaker, we have heard a number of speakers this evening. The hour is getting late; people are getting restless. But the budget itself is merely a 5-percent increase. We have heard about problems with school funding, mass transit, questions with teachers' retirement funding, but lo and behold, if you look at the budget for the House of Representatives, there is an increase of 17 percent, not 5 percent, 17 percent.

My question, rhetorically really, not to Mr. McClatchy, is, where do we as supposedly members of the House who are fiscally responsible and want to pass a budget which is only a 5-percent increase, how do we rate a 17-percent increase in the House of Representatives and at the same time cut people programs? I cannot justify in my mind how we can do that. No one seems to have an answer, a direct answer, of where this money will be used, how it will be used, for whom it will be used, et cetera. I know if I ask a direct question, we will beat

around the bush. I will not do that. What I would like to address to the people who are for this budget are two things. One is, what gives you the right to increase your subsidies 17 percent while cutting those of the Commonwealth to less than 5 percent? And also, the main question which has been raised over and over and over again regarding the legislative process of this budget, which is absolutely ridiculous if we are going to be Representatives, how someone sitting here this evening can vote on such a tremendous package when conservatively 95 percent of us, and I include myself, do not know what we are voting on? For all the information I have, the Appropriations Committee has not met on this bill. They have not had any input. Why then do we have an Appropriations Committee?

These are the questions I have. If we want to expedite things, this should have been done last month in an Appropriations Committee meeting. We should have looked at the budget and found out how it affects each of our districts. I would wager that if I would interrogate each and every member in this House, they could not tell me the effects of this budget on their constituents. With these things in mind, I urge you to nonconcur in this conference report. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I do not expect to reach the rhetorical flights or historical or hysterical flourishes of Mr. DeWeese, nor do I have any notion of persuading you to do anything other than what you have already decided to do, but we do have a right, an opportunity, a privilege to speak for the record.

The majority will have its way. The minority ought to have a right to have its say, though that say, I must indicate, has been severely restricted by the process that has been followed so far.

Mr. Speaker, when we raise the issue of process, we are not speaking of some frivolous thing. Governments seldom differ on the ins of government. Few governments espouse as a policy of State that their people will be ignorant or they will be sick or that their people will be poor. Most governments, I think, would declare that their aim is to develop an environment where the people will be well educated, well fed, well housed, and who flourish in prosperity. The disagreements and deep divisions of government are over the means and not the process and procedure.

Mr. Speaker, I do not argue that this method of locking out rank-and-file legislators from the process is not efficient. Whatever else this process is, it is efficient. If our highest objective is to make the trains run on time, then we can applaud this procedure. If we are motivated by other and higher values, we would at least question this procedure even while we vote for it.

But the issues of this budget go beyond procedure to the substance of it. I recognize as we all do that this is a time of austerity and fiscal restraint. We expect some reductions. It might be reasonably argued that certain cuts in this budget are justified, but can we justify cutting maternal and health ser-

vices at the same time we increase the public relations budget of the Department of Aging by 16 percent? Can we justify a budget that projects a \$225 tuition increase at our State-owned colleges and university at the same time we increase the public relations budget of the Department of Education by 53 percent? Can we justify underfunding vocational education at the same time we increase the public relations budget of the Department of Labor and Industry by 33 percent? Can we justify underfunding pupil transportation while increasing the public relations budget of the Department of Transportation by 12 percent? Can we justify cutting services for the blind and eliminating funds for the State's only burn center while increasing the public relations budget of the executive offices of this Commonwealth by 24 percent? Can we justify cutting funds for environmental protection while increasing the public relations budget of the Department of Community Affairs by 20 percent? Can we justify putting in doubt funds for health occupations vocational education when we increase by 99 percent the public relations budget of the Crime Commission? Can we justify increasing by 20 percent the public relations budget for the Office of Corrections and at the same time underfunding our prisons?

Mr. Speaker, I cannot help but wonder at the cost, human and physical, of this budget, but I wonder even more what the cost of actual passage of this budget will be and has been.

Now, Mr. Speaker, in years past we have joked about and had some good fun about trading budget votes for projects back in the district. I think you, Mr. Speaker, have had a little fun yourself from time to time with members on this side of the aisle. We have laughed about bridges over rivers that did not exist, and about rivers being imported to flow under bridges that had been promised, and about roads built and potholes patched, and we have had good fun about all of that. And we could laugh a little about those promises for votes, because if nothing else, they were constructive; they were designed to help and not to hurt. They were at least a member's best shot to do the best he could for the people he represented. The trades were at least the failings of a good heart. But, Mr. Speaker, there is a report current in this chamber that chills the blood. So important is this vote and so crucial is its passage, so crucial is its passage without some bipartisan support as we have historically done in some degree or other, that reports have come to this House that one member has traded a vote for this budget in exchange for assurances that a president of one of our State-owned colleges will be fired. That, Mr. Speaker, is unconscionable; it is outrageous; it is an abomination. And we shall be looking with special vigilance to see on which State college president the ax falls. I submit to you, Mr. Speaker, that that is too high a price to pay to pass an untimely budget in an unseemly procedure. I thank you, Mr. Speaker.

#### FILMING PERMISSION GRANTED

The SPEAKER. The Chair has granted permission to Fred Prouser to take photographs for a period of 10 minutes.

#### CONSIDERATION OF SB 929 CONTINUED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am sure that most things that can be said about the budget, beginning with the process by which it comes to us again and getting into how votes are obtained and how particular programs have either benefitted by this budget or have suffered in the budget, have been said by one speaker or another this evening. I do not want to belabor the House, except for a few observations.

I am appalled, as most members on this side and I would venture to say many of the members on the other side in their true feelings are, that once again we are using a process that we all know does not speak well for government, as we would expect our constituents view government. In specifics, I have, Mr. Speaker, very much difficulty with a budget that I honestly believe provides enough money to fund the programs of this Commonwealth for somewhere between 9 and 10 months. I fully expect that the budget being adopted here tonight—and I am sure that it is going to be adopted—I hope every Republican in this House votes for it, because it is an inadequate list of the moneys, it is an inadequate list of priorities, it is a document that will cause, about 9 or 10 months down the line, a need for new revenues. We are not talking about new revenues in terms of 30 or 40 or 50 millions of dollars, but we are talking about the need of new revenues as high as \$250 million in the next fiscal year. And I suspect that the knowledge that that is what we are really dealing with, if all the numbers were in, or as many numbers as we could get were in on revenues, I suspect that that is the reason that we are passing this budget in the first part of May, before we have seen the revenue collections for April, May, or any part of June of the present fiscal year.

In the months of April, May, and June, a little over 40 percent of the moneys that we collect in any fiscal year come into this Commonwealth, so we have no numbers for 40 percent of what we expect to take in. And the last time we saw any numbers officially given to us by the Revenue Department of the Commonwealth, the collections were about \$125 million short. I do not know where that is going to come out. I suspect that it is going to be on target to what we said the revenue shortfall would be when the Governor presented his budget and made a revenue estimate at that time, and we said at that time that you were going to be about \$80 million short in the collection of revenues, and that is about what I think we are going to be in this fiscal year. But I also know that the Governor is cutting programs and subsidies to the point of making lapses so that in this fiscal year that money can be made up, and that is as it should be. But, Mr. Speaker, in the next fiscal year we are going to have the same problem with revenues, in addition, the deficiencies that we predicted at the beginning of this fiscal year which, materialized, will be oh so much greater in the next fiscal year, because all along the line, as the gentleman, Mr. Cordisco, outlined for you in chapter and verse, this budget is not funded properly.

There is about \$150 million in programs that this General Assembly over the years has mandated that will not be fully funded, and I have no idea, Mr. Speaker, how that problem

will be solved. In addition to that, Mr. Speaker, the Governor, the greatest cheerleader for Reaganomics and for the Reagan budget in Washington, D.C., has estimated the receipt of Federal funds in the Commonwealth of Pennsylvania in various programs of health and community affairs and public welfare and in the WIC (women, infants, and children) program and in the Department of Aging, under various titles, the Governor has estimated that we will receive more money in those programs, even though the Federal programs are being cut 22 percent, 30 percent, 16 percent. And in each of the cases that I mentioned, the Governor shows an increase in what he expects in the budget coming from the Federal Government. Those figures are phony, the revenue estimates from our taxes are phony, and the expenditure levels necessary are also phony. And there will be a day that I am sure I will be standing at this microphone saying, do you remember when I said I hope all the Republicans vote for that budget, because once again they are demonstrating that in their belief the numbers are right, and if they are wrong and if additional revenues are needed, they will provide them, and I am sure that every one of you will put your vote up for the additional revenues that are needed 10 months down the line.

Mr. Speaker, I have a great concern in the field of educational subsidy, that we are providing 72 million additional dollars this year over the amount of money that was provided last year for basic education within the Commonwealth, and every school district that under the traditional funding formula is a hold-harmless district or a district that had been grandfathered because we determined that under the features of the formula that make for equality, they were not entitled to receive additional funds, but we decided we would not give them less funds in some prior year than they got the year before, and they have been held at that figure until they would catch up under the formula. Well, every one of those hold-harmless districts is going to get a piece of the \$72 million. Now, you might say, well, what is wrong with that? Well, what is wrong with that is, either your basic instruction formula is correct, is right, is valid, provides a good way to distribute funds, or it does not. And if it does not, we ought to attack it, and we ought not to tack on an additional funding method of \$72 million, as we are doing this year, and most of us, Mr. Speaker, most of us, I am sure, do not have a good idea—at least most of us on this side of the aisle—on what that new funding method will do with the \$72 million of additional money in the school subsidy area.

I know, Mr. Speaker, that there is a printout that has been distributed, at least on the other side of the aisle. The members on this side of the aisle had to find them on the floor, and I do not know whether there are more than three on this side of the aisle, but they were not given to us voluntarily, but they were made up, and they show the distribution of that \$72 million under a proposal. My understanding in asking questions is that this is the proposal that will be adopted, and my leader, Mr. Irvis, tells me in discussions with the majority leader that there is every intention even of running the bill that will put these figures in place this evening. Well, you can clap, those of you who feel that you should, and you can vote for

this budget, those of you again who feel that you should, but, Mr. Speaker, I know that when that \$72-million bill distribution gets back to this House, there are going to be a few gentlemen - perhaps Mr. Bowser, or Mr. Gallen, or Mr. Miller from Lancaster, or Mr. Belardi, or Mr. Lehr from York, or Mr. Dorr, or Mr. Smith - who know that the distribution under that \$72-million formula hurts substantially school districts in their area, and they will be voting against, in my opinion, that distribution formula. But they are permitting that inequity in that formula to exist for their school districts by their budget vote here tonight, and if nobody else reminds their constituents, I will.

And there are a number of gentlemen from the city of Philadelphia, and maybe a lady, who, in voting for this budget and voting to approve the language that is in this budget document, will lose for their school districts over \$25 million because of the language that is placed in the budget bill. Mr. Speaker, I refer to language in the budget bill which exists on pages 13 and 14 of the budget bill. Mr. Speaker, the superdensity figure for the school district of Philadelphia is being capped, because the moneys provided in the basic instructional subsidy are the exact same moneys by language contained in this bill for the first time, being capped at last year's figure, which has the effect of capping the superdensity figure in the city of Philadelphia.

Now, many of you would cheer; I do not hear the claps that I heard a minute ago, but I do not know why the people from Philadelphia would want to vote for that kind of a provision in the budget bill. They will not be able to hide behind a "no" vote on the \$72-million distribution; they lose money by this budget vote. They lose it not only in the superdensity cap, but they lose it on page 14, Mr. Speaker, by the language inserted for the special education money. The city of Philadelphia had to go to court to have it determined by the Commonwealth Court that this Commonwealth had shorted them in the special education area \$47 million for excess costs. The Commonwealth Court found in favor of the city of Philadelphia, and while the matter was on appeal to the Supreme Court, because of their dire budget straits in the city of Philadelphia, a \$24-million settlement was arranged. The Commonwealth agreed to pay those special education costs. Mr. Speaker, the people from Philadelphia today by their vote, if it is in the affirmative for this budget bill, will be saying that the Commonwealth is right, that we should no longer pay the special education costs that the court said we should pay in the city of Philadelphia, and their vote on that item alone will lose the city of Philadelphia \$11.7 million.

Mr. Speaker, I know that the Representatives from the city of Philadelphia, the other Representatives whom I mentioned, if they were voting on the single issue, if there were an opportunity to amend, I know that they would not cast the same vote that they are going to cast this evening. I know that they all represent their districts much better than that. They are being forced into this situation, Mr. Speaker, by the manner of the process, but the consequences will be the same so far as the loss of funds to their constituencies. And again, Mr. Speaker, I simply say if no one else reminds their constituents, I will.

I think the process has been bad; I think the vote will probably carry; I think, Mr. Speaker, and I hope, really, that this General Assembly acts more responsibly in important matters in the future. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the minority leader rise?

Mr. IRVIS. A parliamentary inquiry.

Will the Speaker inform me as to his position as to how many votes will be required for the passage of this committee of conference report? Would it be 102 or 101?

The SPEAKER. A constitutional majority.

Mr. IRVIS. And what does the Speaker say constitutes a constitutional majority on the floor of this House tonight?

The SPEAKER. I hope 102. The Speaker reserves judgment to pass on that question at a later date. I have my lawyer with me.

Mr. IRVIS. I thought the Speaker might.

The SPEAKER. The minority leader observed Mr. Hussie racing to the Speaker's assistance.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

### YEAS—102

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fargo           | Levi      | Serafini      |
| Anderson   | Fischer         | Lewis     | Sieminski     |
| Armstrong  | Fleck           | McClatchy | Sirianni      |
| Arty       | Foster, W. W.   | McVerry   | Smith, B.     |
| Belardi    | Foster, Jr., A. | Mackowski | Smith, E. H.  |
| Bittle     | Frazier         | Madigan   | Smith, L. E.  |
| Bowser     | Freind          | Manmiller | Snyder        |
| Boyes      | Gallen          | Marmion   | Spencer       |
| Brandt     | Gannon          | Merry     | Spitz         |
| Burd       | Geist           | Micozzie  | Stairs        |
| Burns      | Gladeck         | Miller    | Stevens       |
| Cessar     | Greenwood       | Moehlmann | Swift         |
| Cimini     | Grieco          | Mowery    | Taddonio      |
| Civera     | Gruppo          | Nahill    | Taylor, E. Z. |
| Clymer     | Hagarty         | Noye      | Telek         |
| Cochran    | Hasay           | Perzel    | Vroon         |
| Cornell    | Hayes           | Peterson  | Wass          |
| Coslett    | Heiser          | Phillips  | Wenger        |
| Cunningham | Honaman         | Piccola   | Weston        |
| DeVerter   | Jackson         | Pitts     | Wilson        |
| Daikeler   | Johnson         | Pott      | Wogan         |
| Davies     | Kanuck          | Punt      | Wright, J. L. |
| Dietz      | Kennedy         | Rasco     | Wright, R. C. |
| Dininani   | Klingaman       | Reber     |               |
| Dorr       | Lashinger       | Salvatore | Ryan,         |
| Durham     | Lehr            | Saurman   | Speaker       |

### NAYS—93

|             |            |           |           |
|-------------|------------|-----------|-----------|
| Barber      | Fee        | Lloyd     | Rieger    |
| Belfanti    | Fryer      | Lucyk     | Ritter    |
| Beloff      | Gallagher  | McIntyre  | Rocks     |
| Berson      | Gamble     | McMonagle | Rybak     |
| Blaum       | George     | Maiale    | Seventy   |
| Borski      | Grabowski  | Manderino | Showers   |
| Brown       | Gray       | Michlovic | Shupnik   |
| Caltagirone | Greenfield | Miscevich | Steighner |
| Cappabianca | Gruitza    | Morris    | Stewart   |
| Cawley      | Haluska    | Mrkoncic  | Stuban    |
| Clark       | Harper     | Mullen    | Swaim     |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Cohen      | Hoeffel        | Murphy      | Sweet           |
| Colafella  | Horgos         | O'Donnell   | Taylor, F. E.   |
| Cole       | Hutchinson, A. | Oliver      | Tigue           |
| Cordisco   | Irvic          | Pendleton   | Trello          |
| Cowell     | Itkin          | Petrarca    | Van Horne       |
| DeMedio    | Kowalyszyn     | Petrone     | Wachob          |
| DeWeese    | Kukovich       | Pievsky     | Wambach         |
| Dawida     | Laughlin       | Pistella    | Wargo           |
| Deal       | Lescovitz      | Pratt       | Wiggins         |
| Dombrowski | Letterman      | Pucciarelli | Williams, J. D. |
| Donatucci  | Levin          | Rappaport   | Wozniak         |
| Duffy      | Livengood      | Richardson  | Wright, D. R.   |
| Evans      |                |             |                 |

### NOT VOTING—2

Emerson Williams, H.

### EXCUSED—3

Kolter Olasz Zwilk

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Ritter, seek recognition?

Mr. RITTER. Mr. Speaker, I tried to get recognition. I said to you before you announced the vote that Mr. Kanuck was not in his seat. I said before he was not in his seat; I say it to you again. If you want to count the vote, that is your business, but I certainly hope the press remembers that. He was not in his seat, and you recorded his vote.

### CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The next item on our agenda for this evening will be to take up the Conference Committee Report on HB 517, which I have discussed with the minority leader. He indicated to me that it will be necessary for him to caucus on that matter.

There will be a meeting of that conference committee immediately, and I would ask those persons who have been appointed from the House of Representatives to join me in my office immediately. Thank you, Mr. Speaker.

### RULES SUSPENDED

### TIME OF SESSION EXTENDED

The SPEAKER. For what purpose does the gentleman, Mr. Ritter, rise?

Mr. RITTER. Mr. Speaker, did we take a roll-call vote on rule 15, which states that we should adjourn by 11 o'clock?

The SPEAKER. The gentleman is correct. The rules of the House provide that the session day ends at 11 p.m. In order for us to continue, it will be necessary to suspend rule 15 of the House.

The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that rule 15 of the House be suspended to permit the House to continue in session past 11 p.m.

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

The following roll call was recorded:

## YEAS—104

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fargo           | Levi      | Serafini      |
| Anderson   | Fischer         | Lewis     | Sieminski     |
| Armstrong  | Foster, W. W.   | McClatchy | Sirianni      |
| Arty       | Foster, Jr., A. | McVerry   | Smith, B.     |
| Belardi    | Frazier         | Mackowski | Smith, E. H.  |
| Beloff     | Freind          | Madigan   | Smith, L. E.  |
| Bittle     | Gallen          | Manmiller | Snyder        |
| Bowser     | Gannon          | Marmion   | Spencer       |
| Boyes      | Geist           | Merry     | Spitz         |
| Brandt     | George          | Micozzie  | Stairs        |
| Burd       | Gladeck         | Miller    | Stevens       |
| Burns      | Greenwood       | Moehlmann | Swaim         |
| Cessar     | Grieco          | Mowery    | Swift         |
| Cimini     | Gruppo          | Nahill    | Taddonio      |
| Civera     | Hagarty         | Noye      | Taylor, E. Z. |
| Clymer     | Haluska         | Perzel    | Telek         |
| Cochran    | Hasay           | Peterson  | Vroon         |
| Cornell    | Hayes           | Phillips  | Wass          |
| Coslett    | Heiser          | Piccola   | Wenger        |
| Cunningham | Honaman         | Pitts     | Weston        |
| DeVerter   | Itkin           | Pott      | Wilson        |
| Daikeler   | Jackson         | Punt      | Wogan         |
| Davies     | Johnson         | Rasco     | Wright, R. C. |
| Dietz      | Kennedy         | Reber     |               |
| Dininni    | Klingaman       | Salvatore | Ryan,         |
| Dorr       | Lashinger       | Saurman   | Speaker       |
| Durham     | Lehr            |           |               |

## NAYS—87

|             |                |             |                 |
|-------------|----------------|-------------|-----------------|
| Barber      | Evans          | Lucyk       | Rocks           |
| Belfanti    | Fee            | McIntyre    | Rybak           |
| Berson      | Fryer          | McMonagle   | Seventy         |
| Blaum       | Gallagher      | Maiale      | Showers         |
| Borski      | Gamble         | Manderino   | Shupnik         |
| Brown       | Grabowski      | Michlovic   | Steighner       |
| Caltagirone | Gray           | Morris      | Stewart         |
| Cappabianca | Greenfield     | Mrkonic     | Stuban          |
| Cawley      | Gruitza        | Mullen      | Sweet           |
| Clark       | Harper         | Murphy      | Taylor, F. E.   |
| Cohen       | Hoeffel        | O'Donnell   | Tigue           |
| Colafella   | Horgos         | Oliver      | Trello          |
| Cole        | Hutchinson, A. | Pendleton   | Van Horne       |
| Cordisco    | Irvis          | Petrarca    | Wachob          |
| Cowell      | Kowalshyn      | Petrone     | Wambach         |
| DeMedio     | Kukovich       | Pievsy      | Wargo           |
| DeWeese     | Laughlin       | Pistella    | Wiggins         |
| Dawida      | Lescovitz      | Pratt       | Williams, J. D. |
| Deal        | Letterman      | Pucciarelli | Wozniak         |
| Dombrowski  | Levin          | Richardson  | Wright, D. R.   |
| Donatucci   | Livengood      | Rieger      | Wright, J. L.   |
| Duffy       | Lloyd          | Ritter      |                 |

## NOT VOTING—6

|         |           |           |              |
|---------|-----------|-----------|--------------|
| Emerson | Kanuck    | Rappaport | Williams, H. |
| Fleck   | Miscevich |           |              |

## EXCUSED—3

|        |       |        |
|--------|-------|--------|
| Kolter | Olasz | Zwinkl |
|--------|-------|--------|

The question was determined in the affirmative, and the motion was agreed to.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, may I inquire of the majority leader, if he is still on the floor? Mr. Cessar will do. He would know.

This is not just to embarrass anybody. We do not have the printouts, except one or two scattered copies, in order to discuss in our caucus HB 517. Do you have available enough printouts so that we may distribute them in our caucus?

Mr. CESSAR. Mr. Speaker, I have been informed that we do have enough printouts for you to have for your caucus.

Mr. IRVIS. Thank you. We would appreciate it if you would get them to us, please.

Mr. CESSAR. We will, Mr. Speaker.

Mr. IRVIS. Did the majority leader ask for a specific time for the caucus?

The SPEAKER. It is the recollection of the Chair that the majority leader called for an immediate meeting of the conferees on that particular bill in his office.

The Chair recognizes the majority whip.

Mr. CESSAR. Mr. Speaker, just to inform the Democratic floor leader, the printouts are in the majority leader's office, and we will make sure they are delivered to you.

Mr. IRVIS. I thank the gentleman.

## DEMOCRATIC CAUCUS

Mr. IRVIS. Mr. Speaker, I ask for an immediate caucus of the Democratic Party to consider HB 517, and also the auto emission inspection committee of conference report, in the minority caucus room, and I ask that that caucus be for 45 minutes only.

The SPEAKER. The members of the Democratic Caucus should report immediately to their caucus room. The majority House members should remain in the chamber.

Does the majority whip desire recognition?

Mr. CESSAR. Mr. Speaker, I would just caution all the Republican members to make sure they are here at 12 o'clock. I repeat, we are back on the floor at 12.

The SPEAKER. The members are reminded that the caucus will terminate at midnight, and they should be on the floor at midnight.

## SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS  
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 517, PN 3233**, and has appointed Senators HESS, STAUFFER and LINCOLN a committee of conference to confer with a similar committee of the House of Representatives, (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

## SENATE MESSAGE

HOUSE BILLS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1814, PN 2184; HB 2011, PN 2458; HB 2081, PN 2991**; and

**HB 2213, PN 2914**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1823, PN 3280**; and **HB 1856, PN 3281**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bills will appear on the calendar.

### NO REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chairman.

Mr. NOYE. Mr. Speaker, just to clarify, the Republicans will not caucus. We are not caucusing, but we will be back in the chamber by midnight.

### SENATE MESSAGE

#### HOUSE-AMENDED SENATE BILLS CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 563, PN 1810**; **SB 1198, PN 1735**; and **SB 1300, PN 1818**.

### BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

#### **HB 1814, PN 2184**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses against a person using a guide dog because of deafness.

#### **HB 2011, PN 2458**

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a certain parcel of property in Manheim Township, York County acquired pursuant to the "Project 70 Land Acquisition and Borrowing Act," in exchange for two parcels of land located in Manheim Township, York County, Pennsylvania.

#### **HB 2081, PN 2991**

An Act amending the "Professional Engineers Registration Law," approved May 23, 1945 (P. L. 913, No. 367), exempting certain activities from licensure and registration.

#### **HB 2213, PN 2914**

An Act authorizing the Department of General Services, with the approval of the State Armory Board, the Department of Military Affairs and the Governor, to grant and convey to the City of Philadelphia an easement and right-of-way in and over certain land in the City of Philadelphia.

#### **SB 563, PN 1810**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the period of time within which prosecutions may be brought for certain offenses and providing for post conviction hearings.

#### **SB 1107, PN 1610**

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare and the Secretary of Agriculture, to sell and convey a certain lot or tract of land situate in Upper St. Clair Township, Allegheny County, Pennsylvania.

#### **SB 1198, PN 1735**

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for deer-proof and elk-proof fences.

#### **SB 1286, PN 1593**

An Act authorizing and directing the General State Authority, with the approval of the Governor, to convey to the Redevelopment Authority of Montgomery County, 2,970 square feet of land, more or less, situate in the Borough of Norristown, Montgomery County, Commonwealth of Pennsylvania.

#### **SB 1300, PN 1818**

An Act providing for adoption of capital projects to be financed from current revenues of the Boating Fund, Fish Fund, Farm Products Show Fund and the Dormitory Fee Reserve Fund.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record the additions and deletions of sponsors of bills, in accordance with the House rules.

#### ADDITIONS:

HB 342, Gamble; HB 1191, Weston; HB 1353, Civera, Burns; HB 1803, Weston; HB 2008, Itkin, George, Kukovich, Lucyk, Misceovich, F. Taylor, Sweet, Belfanti, Michlovic; HB 2055, Kukovich, Lucyk, Misceovich, F. Taylor, Sweet, DeWeese, Belfanti, Michlovic, George, Itkin; HB 2263, Blaum; HB 2264, Blaum; HB 2265, Blaum; HB 2314, Madigan, Stairs, Cimini, Bittle, E. Z. Taylor; HB 2347, Johnson; HB 2349, Arty; HB 2381, Itkin; HB 2382, Itkin; HB 2400, Itkin, Greenfield; HB 2418, Swaim; HB 2420, Beloff; HB 2436, Gruppo, Swaim, Johnson; HB 2451, Swaim; HR 174, Swaim.

#### DELETIONS:

HB 355, Arty; HB 1157, Harper.

### BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

#### **SB 929, PN 1896**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1982 to June 30, 1983, and for the payment

of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; providing for an appropriation for the fiscal period July 1, 1982 to June 30, 1983 from the Lottery Fund for aging programs; itemizing appropriations required from the Motor License Fund for the fiscal period July 1, 1982 to June 30, 1983 for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; itemizing appropriations of the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth; establishing restricted receipts accounts for the fiscal period July 1, 1982 to June 30, 1983 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1982; providing additional funds for various departments of the Commonwealth for the fiscal period July 1, 1981 to June 30, 1982; providing additional General Fund appropriations from funds reserved from fiscal year 1980-1981 and providing additional appropriations from the Federal augmentation funds for the fiscal period July 1, 1981 to June 30, 1982.

### RECESS

The SPEAKER. Without objection, the recess will be extended until 12:45. The Chair hears no objection. This House stands in recess until 12:45.

### AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I would like to report that the Conference Committee on HB 517 has completed its work and is prepared to issue a report.

### REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. HAYES presented the Report of the Committee of Conference on HB 517, PN 3291.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair has been requested to call a meeting of the Committee on Appropriations in the Appropriations Committee room this morning, Wednesday, May 5, at 10:30 a.m. The Appropriations Committee will meet Wednesday at 10:30 a.m. in the committee room set aside for the Appropriations Committee.

### CONFERENCE COMMITTEE MEETING

The SPEAKER. There will be a committee meeting of the Committee on Conference on HB 562 Wednesday, May 5, at 10 a.m. in room B-11. The conference committee will meet on HB 562 at 10 a.m. in room B-11.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. An announcement in compliance with the Sunshine Act: The members should further take notice in compliance with that act that the House will convene on Wednesday, May 5, at 11 a.m.

### COMMITTEE MEETINGS POSTPONED

The SPEAKER. Does the gentleman from Bucks, Mr. Wright, desire recognition?

Mr. J. L. WRIGHT. An announcement, please.

The SPEAKER. The gentleman will state his announcement.

Mr. J. L. WRIGHT. The Mines and Energy Committee meeting scheduled for tomorrow morning at 10 o'clock will be postponed until a future date.

The distinguished and honorable gentleman from Bucks, Benjamin Wilson, has suggested that the Finance Committee's meeting for tomorrow morning be postponed to a future date.

### CALENDAR RESUMED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 689, PN 2801**, entitled:

An Act amending Title 49 (Mechanics' Liens) of the Pennsylvania Consolidated Statutes, adding provisions relating to mechanics' liens and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. CESSAR offered the following amendments No. A7666:

Amend Sec. 102, page 6, lines 5 through 7, by striking out "FOUR or fewer residential units or" in line 5, all of lines 6 and 7, and inserting

Buildings or structures used for residential purposes not exceeding four stories in height or on which buildings or structures to be used for residential purposes not exceeding four stories in height are to be constructed. The term also includes real estate containing existing buildings or structures which have been or are intended to be adapted or improved for residential use regardless of height.

Amend Sec. 309, page 14, line 21, by striking out "A SINGLE PARCEL OF"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

This is an amendment which was offered on behalf of the building contractors of the State of Pennsylvania. It exempts them from the lien law. I would urge a positive vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I rise to concur with the remarks of the gentleman from Pittsburgh. This is an agreed-to amendment, and it does



correct the inequities that existed in the bill. I believe it is agreed to by everybody. I would urge an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Could I interrogate Mr. Cessar, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Murphy, may proceed.

Mr. MURPHY. Mr. Speaker, could you explain what the amendment does, please?

Mr. CESSAR. Yes, Mr. Speaker. The amendment will exempt homebuilders, builders of townhouses, rowhouses, garden apartments four stories high, and in the urban areas where they take old buildings and rehabilitate them for construction just for living arrangements for people, no other.

Mr. MURPHY. Mr. Speaker, it will exempt them from the bonding requirements?

Mr. CESSAR. That is correct, Mr. Speaker.

Mr. MURPHY. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

## YEAS—191

|             |                 |             |               |
|-------------|-----------------|-------------|---------------|
| Alden       | Evans           | Levin       | Rocks         |
| Anderson    | Fargo           | Lewis       | Rybak         |
| Armstrong   | Fee             | Livengood   | Salvatore     |
| Arty        | Fischer         | Lloyd       | Saurman       |
| Barber      | Fleck           | Lucyk       | Serafini      |
| Belardi     | Foster, W. W.   | McClatchy   | Seventy       |
| Belfanti    | Foster, Jr., A. | McMonagle   | Showers       |
| Beloff      | Frazier         | McVerry     | Shupnik       |
| Berson      | Freind          | Mackowski   | Sieminski     |
| Bittle      | Fryer           | Madigan     | Sirianni      |
| Blaum       | Gallagher       | Maiale      | Smith, B.     |
| Borski      | Gallen          | Manderino   | Smith, E. H.  |
| Bowser      | Gamble          | Manmiller   | Smith, L. E.  |
| Boyes       | Gannon          | Marmion     | Snyder        |
| Brandt      | Geist           | Merry       | Spencer       |
| Brown       | George          | Michlovic   | Spitz         |
| Burd        | Gladeck         | Micozzie    | Stairs        |
| Burns       | Grabowski       | Miller      | Steighner     |
| Caltagirone | Greenfield      | Moeblmann   | Stevens       |
| Cappabianca | Greenwood       | Morris      | Stewart       |
| Cawley      | Grieco          | Mowery      | Suban         |
| Cessar      | Gruitza         | Mrkonc      | Swaim         |
| Cimini      | Gruppo          | Mullen      | Sweet         |
| Civera      | Hagarty         | Murphy      | Swift         |
| Clark       | Haluska         | Nahill      | Taddonio      |
| Clymer      | Harper          | Noye        | Taylor, E. Z. |
| Cochran     | Hasay           | O'Donnell   | Taylor, F. E. |
| Cohen       | Hayes           | Oliver      | Telek         |
| Colafella   | Heiser          | Pendleton   | Tigue         |
| Cole        | Hoeffel         | Perzel      | Trello        |
| Cordisco    | Honaman         | Peterson    | Van Horne     |
| Cornell     | Horgos          | Petrarca    | Vroon         |
| Coslett     | Hutchinson, A.  | Petrone     | Wachob        |
| Cowell      | Irviss          | Phillips    | Wambach       |
| Cunningham  | Itkin           | Piccola     | Wargo         |
| DeMedio     | Jackson         | Pievsky     | Wass          |
| DeVerter    | Johnson         | Pistella    | Wenger        |
| DeWeese     | Kanuck          | Pitts       | Weston        |
| Daikeler    | Kennedy         | Pott        | Wiggins       |
| Davies      | Klingaman       | Pratt       | Wilson        |
| Dawida      | Kowalshyn       | Pucciarelli | Wogan         |
| Deal        | Kukovich        | Punt        | Wozniak       |
| Dietz       | Lashinger       | Rappaport   | Wright, D. R. |
| Dininni     | Laughlin        | Rasco       | Wright, J. L. |
| Dombrowski  | Lehr            | Reber       | Wright, R. C. |

|           |           |            |         |
|-----------|-----------|------------|---------|
| Donatucci | Lescovitz | Richardson |         |
| Dorr      | Letterman | Rieger     | Ryan,   |
| Duffy     | Levi      | Ritter     | Speaker |
| Durham    |           |            |         |

## NAYS—0

## NOT VOTING—6

|         |           |              |                 |
|---------|-----------|--------------|-----------------|
| Emerson | McIntyre  | Williams, H. | Williams, J. D. |
| Gray    | Miscevich |              |                 |

## EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The question was determined in the affirmative, and the amendments were agreed to.

## REMARKS ON VOTE

The SPEAKER. Does the gentleman from Allegheny, Mr. Misceovich, desire recognition?

Mr. MISCEVICH. Mr. Speaker, evidently my switch is not working. I would have voted in the affirmative on amendment A7666 to HB 689 had it been working.

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

## CONSIDERATION OF HB 689 CONTINUED

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—191

|             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Alden       | Evans           | Livengood | Rybak         |
| Anderson    | Fargo           | Lloyd     | Salvatore     |
| Armstrong   | Fee             | Lucyk     | Saurman       |
| Arty        | Fischer         | McClatchy | Serafini      |
| Barber      | Fleck           | McMonagle | Seventy       |
| Belardi     | Foster, W. W.   | McVerry   | Showers       |
| Belfanti    | Foster, Jr., A. | Mackowski | Shupnik       |
| Berson      | Frazier         | Madigan   | Sieminski     |
| Bittle      | Freind          | Maiale    | Sirianni      |
| Blaum       | Fryer           | Manderino | Smith, B.     |
| Borski      | Gallagher       | Manmiller | Smith, E. H.  |
| Bowser      | Gallen          | Marmion   | Smith, L. E.  |
| Boyes       | Gamble          | Merry     | Snyder        |
| Brandt      | Gannon          | Michlovic | Spencer       |
| Brown       | Geist           | Micozzie  | Spitz         |
| Burd        | George          | Miller    | Stairs        |
| Burns       | Gladeck         | Miscevich | Steighner     |
| Caltagirone | Grabowski       | Moeblmann | Stevens       |
| Cappabianca | Greenwood       | Morris    | Stewart       |
| Cawley      | Grieco          | Mowery    | Suban         |
| Cessar      | Gruitza         | Mrkonc    | Swaim         |
| Cimini      | Gruppo          | Mullen    | Sweet         |
| Civera      | Hagarty         | Murphy    | Swift         |
| Clark       | Haluska         | Nahill    | Taddonio      |
| Clymer      | Harper          | Noye      | Taylor, E. Z. |
| Cochran     | Hasay           | O'Donnell | Taylor, F. E. |
| Cohen       | Hayes           | Oliver    | Telek         |
| Colafella   | Heiser          | Pendleton | Tigue         |
| Cole        | Hoeffel         | Perzel    | Trello        |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Cordisco   | Honaman        | Peterson    | Van Horne       |
| Cornell    | Horgos         | Petrarca    | Vroon           |
| Coslett    | Hutchinson, A. | Petrone     | Wachob          |
| Cowell     | Irvis          | Phillips    | Wambach         |
| Cunningham | Itkin          | Piccola     | Wargo           |
| DeMedio    | Jackson        | Pievsky     | Wass            |
| DeVerter   | Johnson        | Pistella    | Wenger          |
| DeWeese    | Kanuck         | Pitts       | Weston          |
| Daikeler   | Kennedy        | Pott        | Wiggins         |
| Davies     | Klingaman      | Pratt       | Williams, J. D. |
| Dawida     | Kowalshyn      | Pucciarelli | Wilson          |
| Deal       | Kukovich       | Punt        | Wogan           |
| Dietz      | Lashinger      | Rappaport   | Wozniak         |
| Dininni    | Laughlin       | Rasco       | Wright, D. R.   |
| Dombrowski | Lehr           | Reber       | Wright, J. L.   |
| Donatucci  | Lescovitz      | Richardson  | Wright, R. C.   |
| Dorr       | Letterman      | Rieger      |                 |
| Duffy      | Levi           | Ritter      | Ryan,           |
| Durham     | Lewis          | Rocks       | Speaker         |
| Emerson    |                |             |                 |

NAYS—0

NOT VOTING—6

|        |            |          |              |
|--------|------------|----------|--------------|
| Beloff | Greenfield | McIntyre | Williams, H. |
| Gray   | Levin      |          |              |

EXCUSED—3

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwilk |
|--------|-------|-------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

### YOUTH AND AGING SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to announce that the House Subcommittee on Youth and Aging will still be meeting in room 245 at 9:30 for the purpose of calling up HB 2348.

### SUPPLEMENTAL CALENDAR B REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **HB 517, PN 3291**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for official school visitors; further providing for eligibility to the office of school director; for annual reports by State-owned colleges and the State-owned university; for budget reports by school districts of the first class; for school subsidies; prohibiting certain reduced payments for certain activities of school districts and making repeals.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I urge the House to adopt the Conference Committee Report on HB 517. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Cohen, desire recognition? The gentleman is in order and may proceed.

Mr. COHEN. Mr. Speaker, I suppose this bill has been carefully crafted so that a majority of the legislative districts will benefit in some way. The geopolitical calculations creating this bill are certainly skillfully done, but they are unwise and unfair in certain instances. Some poorer districts tend to lose money as a result of the passage of this bill while some wealthier districts gain. Philadelphia, for instance, whose financial problems are well known in this State, loses \$13,500,000 next year compared to what it would have gotten had this bill not passed. Other districts—and you all know the calculations—lose money also.

This school subsidy formula often appears to be an incredible maze. No district loses money in nominal dollars, as somebody may point out. All are guaranteed what they have received last year, but some districts definitely lose and lose greatly compared to what they would have received had we gone home tonight and not passed this at this hour. I would urge a "no" vote on this bill.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, will the majority leader consent to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, I have some concern about what we are doing with the Conference Report on HB 517 as it pertains to the new method of distributing \$72 million in education moneys.

Mr. Speaker, I am not familiar with the conference report, which unfortunately we did not get until we came down here, but we did have the amendments. Do you have the amendments that were offered to the conference report?

Mr. HAYES. Sure, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, on page 2 of the Stauffer amendment that embodies the new distribution of \$72 million, on the second page at about one-third of the way down there is an Arabic numeral (3). The sentence begins, "Multiply the increase...." Are you following me? All right; (3)(a) where it says, "For the 1981-1982 school year, and each school year thereafter, each school district's gross allocation on account of instruction of pupils, in accordance with sections 2501, 2502, 2502.3, 2502.4, 2502.5, 2502.6, 2502.7 and 2592 of the act, shall be equal to its gross allocation in accordance with such sections for the 1980-1981 school year, notwithstanding any other provision of the act to the contrary." My reading, Mr. Speaker, of that section is that a permanent cap, a permanent cap, is being placed in HB 517 on the basic instructional subsidy at the figures that were in the basic instructional subsidy in the year 1980-81. Is that correct?

Mr. HAYES. Ask your question again, Mr. Speaker.

Mr. MANDERINO. Okay. I have a concern that what we do by (3)(a) is to say that for the 1981-82 school year and for each year hereafter, the moneys that will go into, and then there is a list of sections which, in my understanding, is the basic instructional subsidy, the moneys that will go into there will be equal to the moneys that went in in the 1980-81 school year and nothing more, and it is not only for this year but for every year hereafter.

Mr. HAYES. Mr. Speaker, the basic instructional subsidy formula would be held static in school year 1982-83, which means that every school district in the Commonwealth of Pennsylvania through the basic instructional subsidy would receive exactly the same number of dollars in the upcoming school year as they do in the current school year.

Mr. MANDERINO. And unless we change HB 517, that will be true in 1983-84, 1984-85, 1985-86. That number will be exactly the same for the BIS. Is that correct?

Mr. HAYES. That is a base year, Mr. Speaker.

Mr. MANDERINO. I understand that. And the \$72 million in new money then is distributed under (3)(b). Is that correct?

Mr. HAYES. Yes, Mr. Speaker. Seventy-two million dollars would be appropriated to the 501 school districts on an equalized basis, so WADM (weighted average daily membership) times aid ratio. Yes, sir.

Mr. MANDERINO. And I also think that (3)(b) says, Mr. Speaker, because of its wording, that if next year we decided that instead of \$72 million in additional money over what we had last year we would provide \$150 million in new money, it would also, all of that \$150 million, be distributed exactly the way and under the formula that the \$72 million is distributed this year. Is that correct?

Mr. HAYES. That is as correct, Mr. Speaker, as would be the possibility of adding this year, if we were not changing the law, whatever sum of money is available into the basic instructional subsidy. But this General Assembly, as it has on almost every year in recent years, can in fact appropriate money, and it is not shackled in any way. It can appropriate money as it sees fit that particular year.

Mr. MANDERINO. I understand that, sure. But what we are doing—I have the concern, Mr. Speaker—is we are, not in an appropriation bill that lives for 1 year but in permanent law of the Commonwealth, saying that the BIS is now capped at the \$1.5-billion figure—I am not sure what it is, but the \$1.5-billion figure; it is capped there, the BIS—and all new moneys that we will provide in education absent any further change in the law will be distributed by this new vocational formula.

Mr. HAYES. Well, the same is true, Mr. Speaker, had we not changed the law this year. The money could have just as easily gone into the basic instructional subsidy formula had we not done anything.

Mr. MANDERINO. All right.

Mr. HAYES. Excuse me, Mr. Speaker. So your observations are not bringing to bear any new process or procedure as far as what this General Assembly has done almost each and every year. There should be no one quaking and worrying as to whether or not this General Assembly is somehow being

shut out from doing something next year, because it certainly is not.

Mr. MANDERINO. It will have to change HB 517 to do anything different in the distribution of money.

Mr. HAYES. As the speaker knows, the same has been true over the last several years, and I believe every Representative who has followed closely our actions with regard to school subsidies, we have been doing that each and every year almost without fail.

Mr. MANDERINO. All right.

I have no other questions of the gentleman, but I do want to make this statement. I do not know where this statement will lead, but I do think that we are making, at 10 after 2 in the morning, a very basic change in the way we distribute moneys to the school districts in this Commonwealth, and we are not doing it, \$72 million this year, on a one-shot basis. Everyone has a printout knowing what is going to happen to that \$72 million, and you have an opportunity to vote "yes" or "no" based on that \$72 million, but what you are also doing is saying, Mr. Speaker, that every additional dollar that we ever in future years provide for education will no longer go through the basic instructional subsidy formula as it is now defined in law, but all of the new money will go through this new vocational formula, which is finding its place in law for the first time in (3)(b) on the amendment that I referred to.

In (3)(b) it talks about the additional payments will be paid for the 1981-82 school year and each school year thereafter in an amount to be determined by multiplying, et cetera, and it determines the formula. Now, my difficulty with that, Mr. Speaker, is that I know where the \$72 million goes. Frankly, every one of my school districts ends up with a few dollars more than they would have had the basic instructional formula been used.

I am not sure that my vote tonight to make this a permanent change is a good change. I am not sure that if we were providing \$150 million, I would still be in the same circumstance so far as the school district is concerned. If in 3 years we are up to \$300 million in additional moneys, I do not know where we would be, because the hold harmless that all of the school districts are receiving in addition to the new money will begin to change or should begin to change. I believe what we are doing is providing that they will never change, that every district that is now held harmless will continue to be held harmless. We are just going to bring down the curtain on all the inequity that that hold harmless represents, and we are saying that that inequity does not exist anymore and all the districts will get exactly what they got last year, and all additional moneys will go by a new formula. Maybe, Mr. Speaker, maybe that is a good way to do it. I do not know the answer to that. I frankly have difficulty in voting for a permanent change in the formula that I know accomplishes that result, again, as I say, at 2 o'clock in the morning, when I do not know what it will mean when we get beyond \$72 million, and I daresay that many of us do not.

I know that we are putting a permanent cap on the basic instructional formula, so for those districts that end up losing money, losing money in any one of the school districts—and

Philadelphia was one that lost a tremendous amount of money, and I mentioned some of the other Representatives who lost money—that loss becomes magnified and progresses almost geometrically as you add more money, if you would add more money, to basic instruction or to fund schooling in the Commonwealth beyond the \$72 million of new money you are adding this year. When you add \$150 million, you are at least doubling those losses that those districts are into and maybe more, and as you add additional money, you are really taking the losses that the school districts lose because somebody is being held harmless and also getting a part of the new money. Those districts that lose will continue to lose from now on, and they will lose each and every year hereafter. I think that, you know, regardless of whether this passes tonight or whether it does not pass tonight, we certainly ought to take a very hard look and study this thing to see what we are really about tonight, because I frankly do not know what we are about. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. May I interrogate the majority leader?

The SPEAKER. The gentleman, Mr. Hayes, indicates he will stand for interrogation. The gentleman may proceed.

Mr. HALUSKA. Mr. Speaker, could you tell me what happens to a respective school district that does not participate in vo-tech education? In my particular district we have one that does not participate, and they will lose some \$40,000 because of this penalty factor.

Mr. HAYES. A school district does not lose money because it does not participate in vocational education, Mr. Speaker.

Mr. HALUSKA. Well, that is part of the formulation, as I understand the thing.

Mr. HAYES. Mr. Speaker, a school district does not get penalized one penny because it does not participate in vocational education.

Mr. HALUSKA. It has not in the past, but I think it will under this formulation.

Mr. HAYES. I cannot answer the question any differently than I have.

Mr. HALUSKA. Secondly, what is the reasoning behind removing the density factor and the superpoverty factor in this formulation?

Mr. HAYES. Are you now talking about the basic instructional subsidy, sir?

Mr. HALUSKA. Yes. I mean, we are not using that in this new calculation for these—

Mr. HAYES. Those factors which you just mentioned are part of the basic instructional subsidy portion of our educational funding program. Those factors will continue with regard to the basic instructional column as we know it. This legislation does not change that at all. The basic instructional subsidy column is held stable, and it does not change to include there not being any loss of moneys on the part of any one of the 501 school districts within the basic instructional subsidy column, but, Mr. Speaker, those factors which you mentioned will continue to be part of the basic instructional subsidy column on your printout. This does not change that one bit.

Mr. HALUSKA. Mr. Speaker, that is true with the basic subsidy, but with the new moneys that are being allocated, these factors have been eliminated completely. This is why I think Philadelphia will suffer considerably, because these factors are not considered in the new formulation.

Mr. HAYES. Mr. Speaker, with regard to the equalized supplement for student learning, that portion, which adds up to an increase of \$72 million, will have as its factor for calculation weighted average daily membership times aid ratio, and there is no better way to equalize the funding of education in Pennsylvania than that fundamental multiplication. WADM times aid ratio will guarantee that for 72 million dollars' worth, all of the school children of Pennsylvania will compete equally and fairly for that new money, and there is nothing wrong with that.

Mr. HALUSKA. That does not bear fruit when you calculate the respective districts that are involved in this, Mr. Speaker, because we have loss factors shown by using this formulation that would not happen under the other, under the basic subsidy formula.

Mr. HAYES. Mr. Speaker, as much as I would like to be able to agree with the gentleman, he is wrong, as has been the case with the two previous speakers. They would have you believe that school districts are going to lose money when in fact every school district of Pennsylvania will receive an increase in school year 1982-83, and the facts cannot be converted to any other conclusion.

Mr. HALUSKA. That may be true, Mr. Speaker, but you are not considering the factor that if this money was distributed under the basic formula that we now have, we would have different results entirely.

Mr. HAYES. Mr. Speaker, you are exactly right, and so is Mr. Manderino exactly right, and so is Mr. Cohen exactly right, and let me add something, Mr. Speaker. Do you know how many school districts would lose absolutely if we did what Mr. Manderino has suggested, what Mr. Cohen has suggested, and what you may be suggesting? One hundred and twenty-eight school districts would actually lose money if you took the available dollars and pumped it into the basic instructional formula for school year 1982-83. I do not believe that this House of Representatives should leave this Capitol and say to 128 school districts, you get nothing; as a matter of fact, you get less for school year 1982-83. Three gentlemen have taken the microphone and suggested that, and I think all three will be repudiated in the roll-call vote.

Mr. Speaker, I mentioned in general that 128 school districts would actually lose money arithmetically and absolutely if we did what Mr. Cohen suggested, what Mr. Manderino suggested, and what the gentleman from Cambria may be suggesting. If you consider just Allegheny County, which has 40-some school districts, 25 of those school districts would actually lose money and get fewer dollars in 1982-83 than they are currently, and I ask those ladies and gentlemen from Allegheny County, which lead are you going to follow?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. MULLEN. Hold it one minute, please. Listen, I have not said anything all night. I want to interrogate Mr. Hayes for one minute. I always said Sam was never too hard on Philadelphia, and I think, if I understood what he said tonight, no school district will get less than what they got last year in the next fiscal period. Is that correct?

Mr. HAYES. Mr. Speaker, you are not only correct in what you are saying, but let me amend your statement, if I may. Every school district, 501 of them, will receive an increase, and that does not happen very often.

Mr. MULLEN. Yes; but there are two separate formulas. What you are telling me is that under the basic subsidy formula, no school district can get less. That is one thing. And then you are telling me, secondly, the \$72 million will be divided by this formula. Is that correct?

Mr. HAYES. On an equalized basis.

Mr. MULLEN. Yes, on an equalized basis. Now, I have a selfish interest in asking this, but I just want to make sure for Philadelphia, because you know we are having tough times down there. If I understand it, we had a strike last year, and as a result of the strike, we stand to lose a lot of money. If I read this thing correctly, we will not lose that money now. Is that correct?

Mr. HAYES. There is nothing in this Conference Report on HB 517 that would cause you to lose money.

Mr. MULLEN. So theoretically we might lose it. We cannot lose it now under this conference report. Is that correct?

Mr. HAYES. There is nothing in this report, and I cannot say it any more clearly, Mr. Speaker, there is nothing in this report which would cause the school district of Philadelphia to lose money. To the contrary, the school district of Philadelphia will gain money through this formula.

Mr. MULLEN. All right. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time on the question.

Mr. COHEN. Thank you.

Mr. Speaker, it was not our idea to have this discussion at this time.

On page 3 of this bill, there is a statement that does not deal with school subsidy formulas but which may have a very significant effect. It says, "Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is a member of the classified service under any applicable State civil service law." Mr. Speaker, will Mr. Hayes stand for interrogation on that one sentence?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Thank you.

Mr. Speaker, under the State civil service laws, a member of the civil service is not allowed to campaign for office. This says that a member of the civil service shall not be ineligible for a school board position. Is that member of civil service eligible to campaign for the school board under this provision?

Mr. HAYES. There is nothing in the language that you just mentioned which would specifically preclude him.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I think the long-term significance of this can be very great. What this would seem to do is to open up a tremendous loophole in the State civil service laws. If, as Mr. Hayes would indicate, it will be okay for a candidate for the school board to campaign, then we might well hear that members of the civil service could campaign for members of the school board. I think the effects of this are very severe, are very serious. In addition to seriously hurting some school districts in the State, I think this bill has a serious potential for eroding the civil service, and I would urge a vote against it on that basis as well.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

#### YEAS—143

|            |                 |           |               |
|------------|-----------------|-----------|---------------|
| Alden      | Fleck           | Lewis     | Salvatore     |
| Anderson   | Foster, W. W.   | Livengood | Saurman       |
| Armstrong  | Foster, Jr., A. | McClatchy | Serafini      |
| Arty       | Frazier         | McVerry   | Seventy       |
| Belardi    | Freind          | Mackowski | Showers       |
| Belfanti   | Fryer           | Madigan   | Shupnik       |
| Bittle     | Gallagher       | Maiale    | Sieminski     |
| Bowser     | Gallen          | Manmiller | Sirianni      |
| Boyes      | Gamble          | Marmion   | Smith, B.     |
| Brandt     | Gannon          | Merry     | Smith, E. H.  |
| Burd       | Geist           | Michlovic | Smith, L. E.  |
| Burns      | George          | Micozzie  | Snyder        |
| Cessar     | Gladeck         | Miller    | Spencer       |
| Cimini     | Grabowski       | Moehlmann | Spitz         |
| Civera     | Greenwood       | Morris    | Stairs        |
| Clark      | Grieco          | Mowery    | Stevens       |
| Clymer     | Gruitza         | Mrkonic   | Stuban        |
| Cochran    | Gruppo          | Murphy    | Swift         |
| Colafella  | Hagarty         | Nahill    | Taddonio      |
| Cole       | Hasay           | Noye      | Taylor, E. Z. |
| Cordisco   | Hayes           | Pendleton | Taylor, F. E. |
| Cornell    | Heiser          | Perzel    | Telek         |
| Coslett    | Hoeffel         | Peterson  | Trello        |
| Cowell     | Honaman         | Petrarca  | Vroon         |
| Cunningham | Horgos          | Petrone   | Wargo         |
| DeMedio    | Irviss          | Phillips  | Wass          |
| DeVerter   | Itkin           | Piccola   | Wenger        |
| Daikeler   | Jackson         | Pistella  | Weston        |
| Davies     | Johnson         | Pitts     | Wilson        |
| Dawida     | Kennedy         | Pott      | Wogan         |
| Dietz      | Klingaman       | Pratt     | Wright, D. R. |
| Dininni    | Lashinger       | Punt      | Wright, J. L. |
| Dorr       | Lehr            | Rasco     | Wright, R. C. |
| Duffy      | Lescovitz       | Reber     |               |
| Durham     | Letterman       | Ritter    | Ryan,         |
| Fargo      | Levi            | Rybak     | Speaker       |
| Fischer    |                 |           |               |

#### NAYS—49

|             |                |             |              |
|-------------|----------------|-------------|--------------|
| Barber      | Donatucci      | Lucyk       | Rocks        |
| Beloff      | Evans          | McMonagle   | Steighner    |
| Berson      | Gray           | Manderino   | Stewart      |
| Blaum       | Greenfield     | Miscevich   | Swaim        |
| Borski      | Haluska        | Mullen      | Sweet        |
| Brown       | Harper         | O'Donnell   | Tigue        |
| Caltagirone | Hutchinson, A. | Oliver      | Van Horne    |
| Cappabianca | Kowalshyn      | Pievsky     | Wachob       |
| Cawley      | Kukovich       | Pucciarelli | Wambach      |
| Cohen       | Laughlin       | Rappaport   | Wiggins      |
| DeWeese     | Levin          | Richardson  | Williams, H. |

|            |       |        |         |
|------------|-------|--------|---------|
| Deal       | Lloyd | Rieger | Wozniak |
| Dombrowski |       |        |         |

**NOT VOTING—5**

|         |        |          |                 |
|---------|--------|----------|-----------------|
| Emerson | Kanuck | McIntyre | Williams, J. D. |
| Fee     |        |          |                 |

**EXCUSED—3**

|        |       |       |
|--------|-------|-------|
| Kolter | Olasz | Zwikl |
|--------|-------|-------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**ANNOUNCEMENTS BY MAJORITY LEADER**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, two things. First, I want to thank the House for working so hard today in getting two very important pieces of business concluded.

Number two, and I wish I did not have to make this announcement, but the Senate conferees on the once-a-year auto inspection legislation were not available through the evening hours. Representative Dininni and Representative Davies and Representative Stewart were prepared to represent our chamber on that important legislation. The Senate was not able to attend in the same way. The chairman of the conference committee, Mr. Dininni, has rescheduled his meeting for early tomorrow morning, and the House will take up that matter at 11 a.m.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, May 5, 1982, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:29 a.m., e.d.t., May 5, 1982, the House adjourned.