

Legislative Journal

MONDAY, JUNE 20, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 33

SENATE

MONDAY, June 20, 1977.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

PRAYER

The Chaplain, The Reverend Father G. MATTHEW DALY, Pastor of Saint Lawrence Church, Albion, offered the following prayer:

Let us pray:

Almighty God and Father, we call upon You seriously as we begin this new week of working for the people. Guide us and direct us so that Your will may be done as we involve ourselves in interpreting the wills of those whom we represent. Give to these men who have been elected by the people to serve the people the sincerity we expect of them to represent us well, the wisdom we desire for them to proceed with caution, the prudence needed by all of us to make right decisions and to speak in the name of common good. Let none of us be swayed by our profession or position so that we become overly concerned about ourselves rather than for the rightful causes we represent and the good people who must be our concern.

Let us ever respect the virtue of truth which must encompass all that we say and do. We surely should not have to ask the age old and out-worn question: "What is truth?" Let us, however, remember that truth has to extend itself not only in what we say but also in what we think and do.

Grant us all those gifts which we most need to represent You well, as well as our constituents so that we might rightly pray as You taught us: Thy will be done on earth as it is in heaven. Amen.

The PRESIDENT pro tempore. The Chair wishes to thank Father Daly, who is the guest this week of Senator Orlando.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

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

SENATOR NOLAN TO VOTE FOR SENATOR ZEMPRELLI

Senator NOLAN. Mr. President, I request a legislative leave of absence for today's Session for Senator Zemprelli, and I will be voting him.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BUCKS COUNTY BOARD OF ASSISTANCE

June 15, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard M. Kardon (Democrat), 49 Oak Drive, New Britain 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1979, and until his successor is duly appointed and qualified, vice Mrs. Sally Leasure, Carversville, whose term expired.

MILTON J. SHAPP.

MEMBERS OF THE YORK COUNTY BOARD OF ASSISTANCE

June 15, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the York County Board of Assistance:

Thomas Hooker, Esquire (Republican), R.D. #1, Box 257, York Haven 17370, York County, Thirty-first Senatorial District, to serve until December 31, 1978, and until his successor is duly appointed and qualified, vice Mrs. Mildred Piper, Dallastown, resigned.

Karl Duprey Klauck, Esquire (Democrat), 1730 Randolph Drive, York 17403, York County, Twenty-eighth Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice John D. Raborn, Jr., York, resigned.

MILTON J. SHAPP.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate SB 145, 156 and 400, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate SB 249, 470, 513 and 518, with the information that the House has passed the same without amendments.

BILLS SIGNED

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

SB 249, 470, 513 and 518.

BILLS INTRODUCED AND REFERRED

Senators GEKAS, HAGER, ROMANELLI and ANDREWS presented to the Chair SB 972, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the duties of the commissioner of Pennsylvania State Police and providing for court-martial and certain disciplinary proceedings.

Which was committed to the Committee on State Government.

Senator HOLL presented to the Chair SB 973, entitled:

An Act amending the act of August 5, 1932 (P. L. 45, No. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect, or to provide for the levying, assessment and collection of, certain additional taxes for general revenue purposes;" further providing for the tax on income.

Which was committed to the Committee on Local Government.

Senator NOLAN presented to the Chair SB 974, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," adding a route in Springfield Township, Fayette County.

Which was committed to the Committee on Transportation.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, June 20, 1977.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday,

June 27, 1977, and when the House of Representatives adjourns this week it reconvene on Monday, June 27, 1977.

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

RECESS

Senator NOLAN. Mr. President, I request a recess of the Senate until 4:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:00 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 106 (Pr. No. 106) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED AND RECOMMITTED

SB 494 (Pr. No. 987) — Considered the third time,

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

Amend Sec. 2 (Sec. 402.2), page 4, line 16 by re-

moving the period after "income" and inserting: , including all overage payments which shall be shown separately. Overage is defined as the amount paid in addition to the contract rent which is based on the gross or net sales.

Amend Sec. 2 (Sec. 402.2), page 4, lines 17 through 22 by striking out all of said lines and inserting:

(2) If applicable, the number of rental units and the rental charges per unit.

(3) The operating expenses related to the management and maintenance of the real estate involved.

Amend Sec. 2 (Sec. 402.2), page 4, line 23 by striking out "(6)" and inserting: (4)

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

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

Amend Sec. 2 (Sec. 442), page 5, line 6, by inserting after "SCHEDULES": structural

Amend Sec. 2 (Sec. 442), page 5, line 6, by striking out "ONE" and inserting: three

Amend Sec. 2 (Sec. 442), page 5, line 7, by striking out "(\$1,000.00)" and inserting: (\$3,000.00)

On the question,

Will the Senate agree to the amendments?

Senator MOORE. Mr. President, the purpose of this proposed change is to change the requirement for building permits for minor repairs. As the bill is now written, a property owner would be required to obtain a building permit for all repairs in excess of \$1,000. My amendments, on page 5 of the bill, line 6, would insert between the words "schedules" and "improvements" the word "structural," so it would then read ". . . whenever any person schedules structural improvements to a building which exceed . . ." The present language is \$1,000. I would change that language to \$3,000. So the effect of the amendments would be to change "improvements" to "structural improvements" and to change the amount of such improvements from \$1,000 to \$3,000.

Senator ORLANDO. Mr. President, I stand in opposition to these amendments. In the amendments the word "structural" is a completely new word. It is undefined as to the building permit system. It is outside the intent of the legislation to tamper with the present language that exists in the present legislation.

Also, I have no idea whether, for instance, a patio is structural or whether a refinished basement with new supporting beams is structural. It surely is an improvement. As to increasing the amount from \$1,000 to \$3,000, this is another step away from the intent of the bill and removes any changes from the purview of the law. All during our hearings none of these things came up and I do not want to change something which presently exists in our law and has been acceptable to all of the people involved: the commissioners, the assessor, the municipal authorities; all of those officials have concurred with the legis-

lation. I would ask my colleagues to vote "no" on these particular amendments.

Senator STAUFFER. Mr. President, in opposing these amendments, I think the gentleman has lost sight of the fact that, under the language which appears in the bill presently, if someone were to put storm windows on their home as a means of trying to conserve energy, they would be subject to reassessment of their property.

The amendments offered by the gentleman from Perry, Senator Moore, will take care of situations like that where the property is not being improved to the extent that it should be reassessed but merely being remedied or improved for the betterment, perhaps, of the health and welfare of the family, I think they are very good amendments and should receive the support of every Member.

Senator BELL. Mr. President, I hopefully plan to paint my home. It is going to cost over \$1,000. That surely is an improvement because I cannot see where the word "improvement" is defined, and I do not think I should have to get a building permit. Maybe if I get real flush I might put some new carpeting down. That would be an improvement. I think these amendments as just offered are reasonable.

Senator ORLANDO. Mr. President, I would say this is a physical improvement, an addition to the building that is covered by the building permit as it is presently used by the assessors. We do not want to change that and it is not changed by the word "improvement" in the present legislation. That is the same as exists in the legislation.

Senator BELL. Mr. President, that is the best reason for supporting these amendments just introduced. Say what you mean when you pass legislation and spell it out. The word "structural" means something. Even when I cut the hedge around the place, it improves the looks of it.

Senator TILGHMAN. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator TILGHMAN. Mr. President, last Saturday they finished painting my home. It is not something that is about to take place, it is an accomplished fact. Would the gentleman, under line 6, consider the job improvements, the paint job which was done on my home?

Senator ORLANDO. No, I would not, Mr. President, and neither would the assessor.

Senator TILGHMAN. Mr. President, why would the assessor not consider the improvement? Maybe the gentleman's assessor would not, but maybe mine would. Why not? Is there a law which states that a paint job is not an improvement?

Senator ORLANDO. Mr. President, perhaps it is in the assessor's law, but they did not question this when we met with the assessors.

Senator TILGHMAN. Mr. President, very often we speak on the floor of legislation that is imprecise and not clear. Maybe the gentleman from Erie does not like these amendments, but I really think that the bill should be cleared up relative to the word "improvements." There must be a definition. When we

are going to say that these people are going to assess throughout the Commonwealth of Pennsylvania, some of them may consider that an improvement, some may not. We should define the word.

Senator ORLANDO. Mr. President, may I ask the gentleman, when his house was painted, did he have to apply for a building permit?

Senator TILGHMAN. No, sir, Mr. President, I did not. I do not know what the limit is now.

Senator ORLANDO. Mr. President, does that not explain to the gentleman the fact that nobody applies for a building permit when their house is painted? To my knowledge, no building permit is applied for whether the cost is \$2,000 or \$4,000.

Senator TILGHMAN. Mr. President, I am not sure of that. But I am sure of this, that generally speaking, I believe—and I am not a building man—the contractor, if I am going to have a new porch, applies for the building permit. I, as the owner, do not. I do not know whether the painter did or not. If the gentleman says he did not, I will accept his answer for that.

Senator ORLANDO. Mr. President, I think the gentleman answered my question in that the contractor, when he makes a major addition in excess of \$1,000, would have to apply for a building permit. A painting contractor, in no case, is improving the building except aesthetically. That is a form of maintenance to a house.

Senator TILGHMAN. Mr. President, as I understand the amendments, they increase the limit from \$1,000 to \$2,000. It is pretty tough to get anything done for \$1,000 relative to a home.

Senator HAGER. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator HAGER. Mr. President, the gentleman states that as things are today, you do not need to get a permit. My question would be: Is this not a brand new section to the law? Is this not an addition which would now require a permit?

Senator ORLANDO. No, Mr. President. The \$1,000 building permit is presently in legislation.

Senator HAGER. Mr. President, I would beg to differ with the Senator. It would appear that Section 442 is a brand new section in this law. That is the purpose of its being in bold type and the purpose of the underlining. I think we are changing the law when we put this section in. What the gentleman from Perry, Senator Moore, is trying to do is to clarify this, to make sure that each time you improve your property, without adding an addition, you do not have to get a permit from some government which already has its nose in your business all too often anyway.

It seems to be pretty clear to us, Mr. President, that this section is not going to be interpreted by an assessor. It even says “. . . Every municipality shall establish a building permit system and whenever any person schedules improvements . . .” It does not say when he builds or when he adds anything to the building. It says “schedules improvements.” We are then talking about screens or storm windows or painting of the house.

The gentleman from Perry, Senator Moore, is attempting to put into this bill a little sense so that you do not have to run to a building permit officer to paint your house. It seems to me that the amendments which are being offered here are only sensible and I do not understand the objection to it.

Senator ORLANDO. Mr. President, if I may answer whether or not this is a new section, it is in regard to Senate Bill No. 494 and all of the other bills inasmuch as when the legislation was originally introduced, the building permits for each class county were handled in a separate bill. Instead of having nineteen bills on our agenda relative to the assessment package, we codified them and the codification that you see is the introduction of the Senate bill pertaining to building permits into each and every one of these bills. It is not new language.

Senator STAUFFER. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator STAUFFER. Mr. President, I agree with the gentleman that there is building permit language in the present codes and that this is a change in that it codifies it into a single statute.

My first question is this: Does the gentleman agree that the installation of storm windows and screens would be an improvement to the property?

Senator ORLANDO. No, Mr. President, not the way they interpret it as far as the building permit office is concerned.

Senator STAUFFER. Mr. President, I submit that in the response of the gentleman, he is talking about an interpretation of a new statute. The language in the various statutes is not identical. This has not been lifted from each of the codes to be identical. We are creating a new format by putting this in the assessment laws.

Senator ORLANDO. Mr. President, the building permit law is changed. This is the language from the present assessment law. The change which was made is that every county must have a building permit system. That was the change in the present law. In those municipalities which did not have a building permit system, the county must furnish those municipalities with the building permits. The remainder of the language was taken from the existing law.

Senator STAUFFER. Mr. President, would the gentleman inform me, since he does not agree that the installation of storm windows would be an improvement to a property, of the types of things which would be improvements to property.

Senator ORLANDO. Mr. President, these things would include the addition of a sun parlor, the addition of a third or fourth bedroom onto a building, putting in an enclosure which adds structurally, dimensionwise to the building.

Senator STAUFFER. Mr. President, the gentleman gave me precisely the answer which I wanted. That is the very reason for the amendments of the gentleman from Perry, Senator Moore. The fact is he is talking about structural improvements to the property and what we are trying to differentiate is between the type of improvements which would not be structural, such as storm windows, painting and so forth, and making it

very clear so that no one involved in the process would have a misunderstanding. The law would be clear when we are talking about structural improvements, additions and so forth, and I think he has given the best reason possible why the Moore amendments should be supported.

Senator ORLANDO. Mr. President, if the gentleman would listen to the way I stated the sentence, I said structural improvements increasing the size of the building. The size factor means a new addition to that building.

Senator REIBMAN. Mr. President, I desire to interrogate the gentleman from Erie, Senator Orlando.

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

Senator ORLANDO. I will, Mr. President.

Senator REIBMAN. Mr. President, in the bill the gentleman from Erie, Senator Orlando, does mention improvements up to \$1,000. Suppose I should insulate my house with insulating material and that cost is \$2,000; is that an improvement to my home?

Senator ORLANDO. No, Mr. President.

Senator REIBMAN. Mr. President, suppose I put siding on my home, is that an improvement?

Senator ORLANDO. No, Mr. President, except aesthetically or physically.

Senator REIBMAN. Mr. President, in the gentleman's answer to the gentleman from Chester, Senator Stauffer, he drew the distinction between improvement and structural improvement. I am inclined to agree that it ought to be amended to include structural improvements so that there really is no question on the interpretation when it comes time to make certain improvements to buildings.

Senator O'PAKE. Mr. President, let me preface my comments by commending the gentleman from Erie, Senator Orlando, and the Senate Committee on Finance for the excellent job they did in trying to put together a series of bills dealing with a very complex subject. Having worked with this in the House along with the gentleman from Chester, Senator Stauffer, and the gentleman from Dauphin, Senator Gekas, I understand the difficulties involved, but, I must support these amendments. I am concerned about this discussion and some of the interpretations that may be held up as legislative history on the question of what is and what is not an improvement.

Mr. President, my concern with the bill which puts in a \$1,000 ceiling is that we will be discouraging people from maintaining their properties. It is very, very popular to talk about the way the center city is being run down, how urban areas are becoming pockets of poverty and people are not taking care of their properties. When the word goes out that for everything you want to do that is going to cost more than \$1,000, you better pick up a building permit, the next step means you are going to be reassessed and, therefore, you are going to be penalized in the form of a higher property tax for maintaining your property so it does not deteriorate into a poor type of housing situation. I do not think, when we are recodifying the law and, indeed, passing new law in the area of assessments, that that is the kind of message we want to put out. I do not see any harm in modifying improvement with the word "structural" to say

what we all seem to mean here today; nor do I think in today's market \$3,000 is an unreasonable amount before you tell people they must take out building permits and before you flash the red light that you are going to be reassessed and are going to pay higher property taxes.

Mr. President, I support the amendments. I think there are some other problems with these bills and I think, perhaps, they might need a little more study.

Senator ORLANDO. Mr. President, after listening to that, I withdraw my opposition to the amendments, and move for consideration of the amendments.

Senator LEWIS. Mr. President, I think there is one more consideration that we have to take before finally passing upon this area of these particular bills and that is, that the section talks about requiring every municipality to establish a building permit system.

I wonder if the gentleman from Erie, Senator Orlando, will submit to further interrogation?

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

Senator ORLANDO. I will, Mr. President.

Senator LEWIS. Mr. President, can the gentleman tell me just what the effect would be of this provision upon those ordinances or statutes currently in place of municipalities where building permit systems are currently in operation?

Senator ORLANDO. Mr. President, at the present time the legislation does not affect those municipalities that already have a building permit system. This is only to take care of those which do not and cannot, in many instances, afford a building permit office and that is where the county comes in to provide the necessary system for them to get the building permit.

Senator LEWIS. Mr. President, if we accept the proposed amendments and a particular municipality currently has a building permit system in which they require that a homeowner, before he makes a building change of some sort, as now described in the municipality's ordinance, which has a value of \$1,000 or \$500 and is currently required under that ordinance, will that be replaced, therefore, by this new and higher limitation that we are proposing to accept today?

Senator ORLANDO. Mr. President, as I read the legislation, yes, it would be replacing the present ordinance.

Senator LEWIS. Mr. President, under those circumstances, I fear that we are acting too rapidly if we move ahead then at this time because I am certain it is not the gentleman's intention, or the intention of the committee that has done such hard work on this bill, to, in one fell swoop, replace the building permit systems which have been in place and have been relied upon by municipalities for such a lengthy period of time. Under those circumstances I would respectfully urge the gentleman to consider going over the bill for today so this point might be further considered and an appropriate decision made on how we should deal with the section.

Senator KELLEY. Mr. President, may we be at ease, please?

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

Senator KELLEY. Mr. President, I yield to the gentleman from Allegheny, Senator Nolan.

MOTION TO RECOMMIT

Senator NOLAN. Mr. President, I move Senate Bill No. 494 be recommitted to the Committee on Finance.

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

The PRESIDENT pro tempore. Senate Bill No. 494 is recommitted to the Committee on Finance.

BILLS RECOMMITTED

SB 498 (Pr. No. 1021), SB 500 (Pr. No. 989) SB 505 (Pr. No. 990), SB 508 (Pr. No. 991) and SB 510 (Pr. No. 992) — Upon motion of Senator NOLAN, and agreed to, the bills were recommitted to the Committee on Finance.

BILL OVER IN ORDER

SB 560 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AMENDED

SB 586 (Pr. No. 1049) — Considered the third time,

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

Amend Sec. 4 (Sec. 10), page 6, line 14 by inserting after "in": this or

Amend Sec. 4 (Sec. 10), page 7, line 26 by striking out "either of"

Amend Sec. 4, (Sec. 10), page 7, line 27 by inserting after "examination,": to the extent that a proficiency examination exists

Amend Sec. 4 (Sec. 10), page 7, line 28 by striking out "or" and inserting: and

Amend Sec. 4 (Sec. 10), page 10 by inserting between lines 3 and 4: (p) Nothing in this act shall be construed to allow physicians' assistants to practice chiropractic.

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

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

Amend Bill, page 12, by inserting between lines 20 and 21:

Section 6. Nothing herein shall make illegal any type of relationship directly supervised by a physician which was proper before the enactment of this act.

Amend Sec. 6, page 12, line 21 by striking out "6." and inserting: 7.

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 705 (Pr. No. 1077) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, I am going to vote against this bill because I think this is going to end up in a situation that is not going to be very nice. Although this could not possibly happen with the present personnel of the Department of Transportation, I can foresee a day when it would be a policy in the district, or maybe central office, to force these roads back on to the municipalities. You can do it very easily. You just do not repair them for three or four years, they get in such lousy shape, so full of potholes that a municipality will do anything to get them fixed. Then along comes PennDOT and says, "Look, we will fix it up if you take it back."

In the past we have had highways of that type where they have not been maintained and the municipality will do anything to get them in good shape. I foresee some day in the future this will happen in somebody's District and I do not want it to happen in mine. That is why I am voting "no."

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Bell,

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

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

BILL OVER IN ORDER

SB 748 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS RECOMMITTED

SB 849 (Pr. No. 909) — Senator NOLAN. Mr. President, I

move that Senate Bill No. 849 be recommitted to the Committee on State Government.

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

Senator STAUFFER. Mr. President, I would like to speak in opposition to the recommitment of Senate Bill No. 849. It would appear to me that if we recommit this legislation it will probably be the death of this bill for this Session.

As the Members know, this is a very important bill which, in effect, says that before the Commonwealth may enter into a long-term lease agreement, the General Assembly must give its stamp of approval. This is the type of legislation which many of us in the General Assembly have been wanting and talking about for a long time. I think every one of us who has been here any length of time at all recognizes that any number of times in the past we have seen an administration, whether it be Republican or Democrat is immaterial, enter into agreements which committed the Commonwealth to great expenditures for long periods of time into the future in which we had no voice at all, in which we found ourselves locked into situations that required future appropriations and which help bring the budget to the point where it is today.

Finally, we have before us a bill which gives us the opportunity to say, before the action takes place, whether or not we agree with the long-term commitment.

Mr. President, it is my view that the most important time for the Members of the General Assembly to speak is before the action takes place. Too many times when the budget comes before us and we raise questions, we are told, "Well, this is a mandate." With lease agreements, rental agreements, mandates, whether we like it or not, we have got to come up with the funding to carry forth these mandates. It is my judgment that we should make the decision before we enter into a mandate whether or not this is the direction we want to go.

For that reason, Mr. President, I think we should stand up today and we should say, no, we are not going to recommit this bill. Instead, we are going to run it, we are going to pass it and we are going to bring the General Assembly into its rightful place in making these determinations that are so costly for the people of Pennsylvania.

Senator SMITH. Mr. President, I rise to propose the bill be recommitted to the Committee on State Government. As chief sponsor of the bill and Chairman of the Committee on State Government, I can assure the gentleman from Chester, Senator Stauffer, that the bill will come back to the floor again. There are two matters we want to put into the bill. I believe if we try to amend the bill on the eighth day, we could lose the bill. Therefore, if we put it back into the Committee on State Government, we will bring it out again with the same concept. I will assure the gentleman of that.

Senator STAUFFER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Smith.

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

Senator SMITH. I will, Mr. President.

Senator STAUFFER. Mr. President, do we have an agree-

ment or commitment, so to speak, that this bill will be rereported?

Senator SMITH. Mr. President, I wish I could say what the gentleman from Philadelphia, Senator Cianfrani, would say. The gentleman has my word, Mr. President. The bill will come out of committee.

Senator STAUFFER. Mr. President, under those circumstances and with that commitment, I will remove my objection and will not ask for a "no" vote on the recommitment.

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

The PRESIDENT pro tempore. Senate Bill No. 849 is recommitted to the Committee on State Government.

SB 883 (Pr. No. 954) and SB 883 (Pr. No. 1022) — Upon motion of Senator NOLAN, and agreed to, the bills were recommitted to the Committee on Finance.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 923 (Pr. No. 1018) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Lewis.

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

Senator LEWIS. I will, Mr. President.

Senator KELLEY. Mr. President, could the gentleman explain the difference between Senate Bill No. 923, presently pending for our consideration and Senate Bill No. 106 which was affirmatively passed earlier in today's Session?

Senator LEWIS. Mr. President, Senate Bill No. 106, without referring to it but drawing from my recollection, amends the Second Class County Code and Senate Bill No. 923 amends the Fourth through Eighth Class County Codes. Senate Bill No. 923 was, in fact, drawn and intended to be a companion bill to Senate Bill No. 106 when we learned that there was that gap in bringing about the same change in all the County Codes so that there would be consistency in the Commonwealth.

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

Fleming, Gekas, Gurzenda,	Kusse, Lewis,	Orlando, Reibman,	Tilghman, Zemprelli,
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NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION
BILLS OVER IN ORDER

SB 693, 696, 698, 699, 700, 701 and 905 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

SB 906 — Senator NOLAN. Mr. President, I request that Senate Bill No. 906 go over in its order.

Senator HAGER. Mr. President, I object to Senate Bill No. 906 going over in its order. I offer an amendment to this bill.

Senator NOLAN. Mr. President, I think the question of whether or not the bill goes over in its order is to be decided before we accept any amendments to the bill.

The PRESIDENT pro tempore. Senator Nolan is correct. Does the Chair hear a motion that Senate Bill No. 906 go over in its order?

MOTION FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, I move that Senate Bill No. 906 go over in its order.

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

Senator HAGER. Mr. President, I object to Senate Bill No. 906 going over in its order. I ask for a roll call.

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

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

YEAS—27

Arlene, Cianfrani, Coppersmith, Duffield, Early, Gurzenda, Hankins,	Kelley, Kury, Lewis, Lynch, McKinney, Mellow, Messinger,	Murray, Nolan, Noszka, O'Pake, Orlando, Romanelli, Ross,	Scanlon, Schaefer, Smith, Stout, Sweeney, Zemprelli,
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NAYS—21

Andrews, Bell, Corman, Dougherty, Dwyer, Fleming,	Gekas, Hager, Hess, Hill, Holl,	Hopper, Howard, Jubelirer, Kusse, Manbeck,	Moore, Reibman, Snyder, Stauffer, Tilghman,
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So the question was determined in the affirmative, and the motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 906 will go over in its order.

SB 927 — Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 3 (Pr. No. 1236), SB 21 (Pr. No. 1078), SB 132 (Pr. No. 132) and HB 213 (Pr. No. 1011) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 239 and 247 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 499 (Pr. No. 1558) and SB 451 (Pr. No. 1037) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 525, 590, 637, 777, 840 and 873 — Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 888 (Pr. No. 960) and SB 902 (Pr. No. 980) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator CIANFRANI, from the Committee on Appropriations, reported, as amended, **SB 945 and 946**.

CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Brigadier General Henry McCormick Gross by Senator Gekas.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Fred Dutcher by Senator Hager.

Congratulations of the Senate were extended to Miss Lynne Carol Grote, Mr. and Mrs. Raymond B. McCarty, Mr. and Mrs. Fred J. Benson, Mr. and Mrs. C. L. Worthing, Mr. and Mrs. J. E. McVey, Mr. and Mrs. John Bence, Mr. and Mrs. Alfred M. McCarty, Mr. and Mrs. Fred C. Kyler and to Mr. and Mrs. John Sell by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs.

Harry Miller, Mr. and Mrs. Allen Luckenbaugh, Mr. and Mrs. George U. Wolfgang and to Mr. and Mrs. Victor Findley by Senator Hess.

BILLS ON FIRST CONSIDERATION

Senator NOLAN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 945 and 946.

And said bills having been considered for the first time,
Ordered, To be laid aside for second consideration.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

SHERIFF IN AND FOR THE COUNTY OF WASHINGTON

June 20, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James A. Fazzoni, R.D. #2, Box 02, Eightyfour 15330, Washington County, Forty-sixth Senatorial District, for appointment as Sheriff in and for the County of Washington, to serve until the first Monday of January 1978, vice Hanna Johns, deceased.

MILTON J. SHAPP.

MEMBERS OF THE MONTGOMERY COUNTY BOARD OF ASSISTANCE

June 20, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for appointment as members of the Montgomery County Board of Assistance:

Mrs. Emily Cannan (Democrat), R.D. #2, Delphi Road, Schwenksville 19473, Montgomery County, Nineteenth Senatorial District, to serve until December 31, 1977, and until her successor is duly appointed and qualified, vice Mrs. Dorothy S. Malin, Hatfield, resigned.

(Mr.) Dee F. Wampler (Democrat), 1436 Cherry Lane, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice Leo Eshbach, Esquire, Pottstown, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

June 20, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael J. Manto, 803 Third Avenue, Bristol 19007, Bucks County, Tenth Senatorial District, for appointment as District Justice of the Peace in and for the County of Bucks, Class 1, District 02, to serve until the first Monday of January, 1980, vice John P. Walter, Bristol, deceased.

MILTON J. SHAPP.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 613** and **631**, which were referred to the Committee on Business and Commerce.

He also presented for concurrence **HB 555**, which was referred to the Committee on Environmental Resources.

He also presented for concurrence **209** and **959**, which were referred to the Committee on Labor and Industry.

He also presented for concurrence **HB 920**, which was referred to the Committee on Law and Justice.

He also presented for concurrence **HB 282** and **767**, which were referred to the Committee on Local Government.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

PETITIONS AND REMONSTRANCES

Senator REIBMAN. Mr. President and my colleagues, two weeks ago I spoke on the school funding crisis facing virtually every public school district in the Commonwealth.

I then turned my attention to the situation in Philadelphia and charged certain people there with playing a game of "chicken" with the Legislature. I set forth facts which indicated the citizens of Philadelphia were not making the same local effort and local sacrifices other communities across the State were making to support their public school systems, and called upon the elected leaders of that great city to exercise power they already possessed to obtain some relief from the crisis in their own city.

Apparently somebody was listening.

I noticed in the Philadelphia newspaper, which I regularly read, the President of the City Council of Philadelphia announced last Friday that the Council would transfer "at least \$10 million from next year's City budget to the school district."

I appreciate the Council President's acceptance of my thesis—tacit as it was—that the citizens of Philadelphia could make more of a local effort to support their public school system and that the elected leaders of the City's government were in a position to achieve some immediate relief from the crisis in their own city.

Mr. Justice Frankfurter once said, "Wisdom too often never comes so when it comes though it comes late,"—and I should

add and though it comes without attribution—"it should not be lightly regarded."

Accordingly, I welcome the Council President's cooperation in this matter and applaud it as a step in the right direction.

There are, however, other steps which ought to be considered if the Legislature and the City of Philadelphia are to resolve this matter promptly and in a way which will best benefit the children throughout the Commonwealth who are the beneficiaries of our system of public education.

To accomplish this I shall introduce legislation tomorrow along these lines:

First, the school district of the City of Philadelphia should become a part of the City's municipal government. In that way, the City government would have direct control and responsibility for the raising and collecting of the revenue and the spending necessary to operate the public school system. Also, the people of Philadelphia, through their elected municipal leaders, would know who was responsible for decisions which affect the education of their children.

The public school systems of many of the nation's great urban areas are a part of their city's municipal government and, in New York, Boston, Chicago, Los Angeles, New Orleans, this appears to work better than the situation existing today in Philadelphia.

Second, House Bill No. 1075 should be amended to authorize the City, not the State, to establish and guarantee an authority to borrow the money to purchase and then lease back the school buildings in Philadelphia. From the State's point of view, the present form of House Bill No. 1075 is a "bailout" of only Philadelphia and does not provide any assurances that the State would get paid back or the Philadelphia school system would effectuate improvements or efficiencies in its operations. Furthermore, it is a scheme to benefit only bond counsel who must write the bond, bankers who will lend the money and rich people who can afford to purchase the tax free obligation. The rest of the State will have to pay the interest over the years and, I think, the principal as well; and because the interest on the bond will be tax free, not derive any revenue from the bondholders.

However, if the people in Philadelphia think the concept embodied in House Bill No. 1075 is so good, then they should have the prerogative of implementing the plan and I would support legislation to allow them to make that decision.

Third, improvements and efficiencies will have to be made in the operation of the Philadelphia school system and probably in City government as well to free more local funds for instructional purposes.

The Philadelphia school system comes to the Legislature every year with a crisis and a request for supplemental or emergency appropriations. Every year they have received it.

It indicates to me either one of two things: Horrendous managerial problems within the school system or a systematic effort to blackmail the Legislature. Either one, it has got to stop.

Various studies, including some done by special commissions of citizens and by business people, within the Philadelphia school system, have concluded that savings could be made ranging all the way from \$30 million to \$70 million without imping-

ing on the students' educational programs simply by introducing economies of staff and operations and eliminating limousines.

Mr. President, I would be willing to support a two-year moratorium and a ten-year stretch-out payment of moneys presently owed the State by the Philadelphia school system for advanced payments on account of vocational education amounting to \$36 million, transportation amounting to \$2.5 million and special education advance payments amounting to \$17.3 million already received from the State, while an independent outside source makes a thorough study of the school system and municipal government and, in this connection, I suggest the Pennsylvania Economy League as a public service, with the cooperation of each, the school system and municipal government, to determine where and how efficiencies and economies can be introduced for the benefit of all taxpayers and to free local funds for instructional purposes.

Finally, all of us, but particularly the people of Philadelphia, must recognize the problem for what it is: Public education throughout Pennsylvania, not just in Philadelphia, is in a funding crisis.

While I enjoy visiting Philadelphia, I find the attitudes and perspectives of many of its people to be terribly provincial. The Philadelphia news media has popularly and typically characterized the school funding crisis as a "Philadelphia problem" and made it appear the rest of the State is unsympathetic to its plight.

Mr. President, many of us who are not from Philadelphia know what is happening in that city. We read its newspapers and magazines and listen to its news. But few Philadelphians know what is happening in the rest of the State. And it is this provincialism which is working a disadvantage on its own people.

For the 1975-76 school year—and again I repeat—more than 111 of Pennsylvania's 505 public school districts ended the year with a deficit and 182 school districts had to borrow money to finish the year. Others cut programs and raised taxes horrendously. Costs necessary to run modern public school systems have soared to the point where many systems—not just Philadelphia's—and I again repeat—are eliminating programs, facilities and staff.

The fact is, most of these communities make more of an effort than Philadelphia to have the education of their children a priority item for their community and they are taxing themselves again to the limit, principally on property, which has just about reached the end.

Mr. President, I believe that we need the cooperation of all of us to solve what is a Statewide problem and that all of the regions of the Commonwealth represented by us must try to solve this problem. To this end, it seems to me, the State, in order to assure equal educational opportunity for all its children, no matter where they live, must provide for a thorough and efficient system of education to meet the needs of the Commonwealth and we must live up to its obligation to at least support the cost of education up to fifty per cent.

Senator MCKINNEY. Mr. President, it amazes me to see that so many non-Philadelphians are experts on Philadelphia. One

day in the near future I am going to have the Philadelphia Federation of Teachers prepare some replies to some of the things I have heard here about the City of Philadelphia. I do not have that yet, but I will have in the very near future. I shall then respond to some of the non-Philadelphia experts.

Senator REIBMAN. Mr. President, I really hate to take this opportunity to remind my colleague from Philadelphia that those of us who have been speaking this way have not had our remarks prepared by any teachers' groups, but because of the studies and what we know is happening, not only in Philadelphia but across the State. If the Senator has to wait until the Federation of Teachers writes whatever the problems might be in Philadelphia, I would suggest that perhaps he ought to join me on a tour of Philadelphia. If he wishes to come to my office, I will also give him copies of many studies which have been made by respectable Statewide organizations with respect to local efforts made by all the school districts, with respect to the cost of instruction across the State and the amount of tax efforts made by school districts across the State. I would be very happy to cooperate with the gentleman on that matter.

Senator McKINNEY. Mr. President, I said that I will have the Philadelphia Federation of Teachers prepare the remarks for me. I did not imply that someone prepared the lady's remarks. However, if the shoe fits, I would say she would have to wear it.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 21, 1977

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|---|---------------------------------------|
| 9:30 A.M. LAW AND JUSTICE (to consider Senate Bills No. 375 and 791) | Senate Majority Caucus Room |
| 10:00 A.M. INSURANCE (to consider Senate Bills No. 320, 594, 581, 582, 679, 691, 736, 864; House Bills No. 207 and 534) | Room 170 |
| 10:00 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 279, 334; House Bills No. 225, 263 and 626) | Local Govt. Comm. Conference Room 633 |
| 10:30 A.M. JUDICIARY (to consider Senate Bills No. 531 and 774) | Room 172 |
| 11:00 A.M. STATE GOVERNMENT (to consider Senate Bills No. 379, 937, 949, 950 and House Bill No. 987) | Room 286 |
| 11:30 A.M. TRANSPORTATION (to consider Senate Bills No. 812, 899, 956; House Bills No. 401 and 609) | Room 350 |

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| 12:00 Noon RULES AND EXECUTIVE NOMINATIONS | Rules Committee Conference Room |
| 12:30 P.M. Special Senate Committee to Study Senate Resolution No. 9 | Room 172 |

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| 12:30 P.M. AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 967 and House Bill No. 111) | Room 182 |
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WEDNESDAY, JUNE 22, 1977

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| 9:30 A.M. FINANCE (to consider Senate Bills No. 494, 498, 500, 505, 508, 510, 882 and 883) | Room 286 |
| 10:00 A.M. CONSUMER AFFAIRS (to meet for the purpose of discussing implementation of Acts No. 215 and 216 of 1976; Senate Concurrent Resolution No. 228 of 1976 and Senate Concurrent Resolution No. 210 of 1977) | Senate Majority Caucus Room |

THURSDAY, JUNE 23, 1977

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| 9:00 A.M. LOCAL GOVERNMENT to (Public Hearing on Senate Bills No. 806 and 947) | Senate Majority Caucus Room |
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TUESDAY, JUNE 28, 1977

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| 10:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 901) | Senate Majority Caucus Room |
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TUESDAY, JULY 5, 1977

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| 10:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bill No. 624) | Senate Majority Caucus Room |
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ANNIVERSARY GREETINGS EXTENDED TO THE PRESIDENT PRO TEMPORE AND SENATOR REIBMAN

Senator NOLAN. Mr. President, on behalf of all of the Senators I would like to take this opportunity to wish Senator Reibman and her husband and you, Mr. President, and your wife, a Happy Anniversary.
(Applause.)

The PRESIDENT pro tempore. We all join Senator Reibman in a Happy Anniversary. I would like to join her also. I was married thirty-nine years ago today, June 20th. I wish to thank Senator Nolan for his kind felicitations.

Senator NOLAN. Mr. President, Senator McKinney wants it known that he also joins in wishing the lady a Happy Anniversary.

(Laughter.)

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, June 21, 1977, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:35 p.m., Eastern Daylight Saving Time.