

Legislative Journal

TUESDAY, MAY 20, 1980

Session of 1980

164th of the General Assembly

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SENATE

TUESDAY, May 20, 1980.

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 HAROLD T. FRIES, JR., Pastor of Messiah Lutheran Church, Harrisburg, offered the following prayer:

Dear God, help us to hold fast to the hope that ultimately good will triumph over evil and justice will rise over injustice, even helped to happen by the discussions and decisions made in this Chamber.

Often we pray to you for causes. Today, Father, we pray for the men and for the woman of this Senate.

Cushion the abuse hurled at them. Soften the shouts of angry crowds that line the Capitol steps, each representing causes dear to them.

Bring light and hope into the darkness and loneliness which these Senators often experience.

And then crown their day with the satisfaction of knowing they have served nobly, acting in good conscience in the best interests of the people of this Commonwealth. Amen.

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 SCANLON, further reading was dispensed with, and the Journal was approved.

**SENATOR SCANLON TO VOTE
FOR SENATOR ZEMPRELLI,
SENATOR LYNCH, SENATOR ROSS
AND SENATOR REIBMAN**

Senator SCANLON. Mr. President, Senator Zempirelli, Senator Lynch, Senator Ross and Senator Reibman are on legislative business off the floor and I am requesting legislative leave for the four of them.

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

**SENATOR HAGER TO VOTE
FOR SENATOR MANBECK**

Senator HAGER. Mr. President, Senator Manbeck is attending a Committee of Conference meeting on Senate Bill No. 10 and we should like to vote him.

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

HOUSE MESSAGE**HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2383**, which was referred to the Committee on Law and Justice.

BILLS INTRODUCED AND REFERRED

Senators STAUFFER and LINCOLN presented to the Chair **SB 1421**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for expenses for attendance at meetings.

Which was committed to the Committee on Education.

Senator DWYER presented to the Chair **SB 1422**, entitled:

An Act making an appropriation to the Mercer County Association for the Blind.

Which was committed to the Committee on Appropriations.

SENATE RESOLUTION

**MEMORIALIZING CONGRESS, U. S. DEPARTMENT
OF TRANSPORTATION AND INTERSTATE
COMMERCE COMMISSION ISSUE EMERGENCY
STOPPING SAFETY STANDARDS ON
TRACTOR TRAILERS**

Senators PECORA, ROMANELLI, BODACK, LOEPER and KELLEY offered the following resolution (Serial No. 99) which was read and referred to the Committee on Transportation:

In the Senate, May 20, 1980.

WHEREAS, There have been a large number of incidents recently in which tractor-trailers have suffered brake failure or other mechanical failures resulting in runaway vehicles and accidents causing serious loss of life and property; and

WHEREAS, The interstate nature of trucking makes individual State action on safety equipment somewhat ineffective; and

WHEREAS, New technologies on emergency stopping sys-

tems for tractor-trailers are available such as gravity brake systems and brake engines; and

WHEREAS, Federal agencies and congressional action create pressure on the Commonwealth of Pennsylvania and other states to increase the gross weight limits for vehicles on Pennsylvania highways; and

WHEREAS, Higher standards of safety must be required from heavier motor vehicles; therefore be it

RESOLVED, That the Senate of Pennsylvania memorializes the Congress of the United States, the United States Department of Transportation and the Interstate Commerce Commission to promulgate new equipment standards requiring additional emergency stopping equipment on heavier vehicles; and be it further

RESOLVED, That a copy of this resolution be sent to the President of the United States, the Secretary of the United States Department of Transportation, the Chairman of the Interstate Commerce Commission and each United States Senator and United States Representative from Pennsylvania.

CALENDAR

HB 1924 CALLED UP OUT OF ORDER

HB 1924 (Pr. No. 3364) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator SCANLON.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1924 (Pr. No. 3364) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—2

Kelley, Lewis,

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

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

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given permission for the Committee on Labor and Industry to meet sometime during today's Session. They will meet in the Rules Committee conference room. They will be considering House Bill No. 2527.

RECESS

Senator SCANLON. Mr. President, I request a recess of the Senate until 5:00 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 5:00 p.m. Eastern Daylight Saving Time.

AFTER RECESS

THE PRESIDING OFFICER (H. Craig Lewis) in the Chair.

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

HOUSE MESSAGE

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to HB 1924, and has appointed Messrs. McCLATCHY, BRANDT and PIEVSKY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1924

HB 1924 (Pr. No. 3364) — Senator ZEMPRELLI. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1924, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMITTEE OF CONFERENCE APPOINTED ON HB 1924

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators MELLOW, SMITH and TILGHMAN, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences

BILL OVER IN ORDER

HB 1177 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1257 (Pr. No. 1775) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1288 (Pr. No. 1619) — 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—48

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

NAYS—1

Kelley,

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

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

SB 1299 (Pr. No. 1633) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

SB 1304 (Pr. No. 1639) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

SB 1316 (Pr. No. 1659) — Considered the third time and agreed to,

Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

BILL REREFERRED

SB 1156 (Pr. No. 1763) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 1160 (Pr. No. 1745) — 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 STAUFFER. Mr. President, I would like to explain my vote on Senate Bill No. 1160.

Mr. President, I happen to be very sympathetic with the goal that the gentleman from Allegheny, Senator Scanlon, has attempted to reach with Senate Bill No. 1160, but I am afraid that the course that has been followed is not the right course and for that reason I am going to be forced to vote in the negative on this bill.

Mr. President, if you examine a number of the statutes of the Commonwealth, you find that physicians are given certain rights and privileges which are not given to other citizens of the Commonwealth. The Uniform Anatomical Gift Act, for an example, is an illustration of this. But in order to give a gift of an eye or whatever, it would require the approval of a physician.

Mr. President, I do not believe that podiatrists have the professional expertise that would properly involve them in carrying out the mandates of statutes of this type. For that reason, I do not believe that it is wise for this Senate to give them the term "physician."

For that reason, Mr. President, I will vote in the negative on Senate Bill No. 1160 and would hope that we could solve the problem that the bill addresses through other legislation that would properly take care of their situation.

Senator SNYDER. Mr. President, for the same reason, I, too, will vote against Senate Bill No. 1160.

When Senate Bill No. 1160 was considered in committee, I raised the point that when you attempt to do something by definition, you may be having results in many other statutes in which the terms are used. The term "physician" is used in thirty, forty or more various statutes on the books. Mr. President, I am concerned that we are doing something that we do not understand by passing this bill. I have sympathy with the podiatrists, too, and with their general purpose here, but I think this is the wrong way to do it and I, for that reason, will vote "no."

Senator KURY. Mr. President, I just want to say that I agree with the gentleman from Chester, Senator Stauffer, and the gentleman from Lancaster, Senator Snyder.

I think Senate Bill No. 1160 is too broadly drafted for the purpose that it seeks to accomplish and I am going to vote against it. If the bill were to be before me in a narrower version, I would consider voting "yes," but as it is now drafted, I feel I must vote in the negative.

And the question recurring,
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator ANDREWS. Mr. President, having voted under a misapprehension, I would like to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator HOLL. Mr. President, having voted under a misapprehension, I would like to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

Senator KELLEY. Mr. President, not having voted under a misapprehension, I would like to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—23

Bell,	Greenleaf,	O'Pake,	Scanlon,
Bodack,	Gurzenda,	Orlando,	Schaefer,
Coppersmith,	Hankins,	Pecora,	Smith,
Dwyer,	Hess,	Reibman,	Stout,
Early,	Messinger,	Romanelli,	Zemprelli,
Fumo,	Murray,	Ross,	

NAYS—25

Andrews,	Howard,	Lincoln,	O'Connell,
Arlene,	Jubelirer,	Lloyd,	Price,
Corman,	Kelley,	Loeper,	Snyder,
Gekas,	Kury,	Manbeck,	Stapleton,
Hager,	Kusse,	Mellow,	Stauffer,
Holl,	Lewis,	Moore,	Tilghman,
Hopper,			

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

Senator SCHAEFER. Mr. President, I move that Senate Bill No. 1366 be laid on the table.

The motion was agreed to.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 453 (Pr. No. 485) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

SB 890 (Pr. No. 1017) — 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—34

Andrews,	Holl,	Mellow,	Romanelli,
Arlene,	Kelley,	Messinger,	Ross,
Bell,	Kury,	Murray,	Scanlon,
Bodack,	Lewis,	O'Connell,	Schaefer,
Coppersmith,	Lincoln,	O'Pake,	Smith,
Early,	Lloyd,	Orlando,	Stapleton,
Fumo,	Loeper,	Pecora,	Stout,
Gurzenda,	Lynch,	Reibman,	Zemprelli,
Hankins,	Manbeck,		

NAYS—15

Corman,	Hager,	Jubelirer,	Snyder,
Dwyer,	Hess,	Kusse,	Stauffer,
Gekas,	Hopper,	Moore,	Tilghman,
Greenleaf,	Howard,	Price,	

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

After announcement of vote, Senator O'CONNELL changed his vote from "aye" to "no."

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

PERMISSION TO ADDRESS SENATE

Senator O'CONNELL asked and obtained unanimous consent to address the Senate.

Senator O'CONNELL. Mr. President, I want to change a vote on Senate Bill No. 890.

The PRESIDING OFFICER. How does Senator O'Connell wish to have the record indicate him being recorded on that bill?

Senator O'CONNELL. Mr. President, I, in error, voted in favor and I want to be recorded in the negative and would like the record to so indicate.

The PRESIDING OFFICER. The record will so indicate.

SB 1042 (Pr. No. 1240) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

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.

HB 1106 (Pr. No. 3365) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Andrews,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,

existing between the two houses in relation to House Bill No. 1924.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

DISTRICT JUSTICE

May 15, 1980.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate S. Keene Mitchell, Jr., 53 Butler Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Luzerne, Class 1, District 06, to serve until the first Monday of January, 1982, vice Richard P. Adams, resigned.

DICK THORNBURGH.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

SB 65 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

BILL OVER IN ORDER

HB 552 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 323 (Pr. No. 1747) — Senator ZEMPRELLI. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 323, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

SB 543 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 410 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1840 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

SENATOR STAUFFER TO VOTE FOR SENATOR HAGER

Senator STAUFFER. Mr. President, at this time I ask for a legislative leave for Senator Hager, who has to return to his office. I will be voting him.

The PRESIDING OFFICER. The Chair hears no objection and the leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 1366 (Pr. No. 1764) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—26

Arlene,	Kury,	Murray,	Ross,
Bodack,	Lewis,	O'Connell,	Scanlon,
Coppersmith,	Lincoln,	O'Pake,	Schaefer,
Early,	Lloyd,	Orlando,	Smith,
Fumo,	Lynch,	Reibman,	Stapleton,
Gurzenda,	Mellow,	Romanelli,	Zemprelli,
Hankins,	Messinger,		

NAYS—23

Andrews,	Hager,	Kelley,	Price,
Bell,	Hess,	Kusse,	Snyder,
Corman,	Holl,	Loeper,	Stauffer,
Dwyer,	Hopper,	Manbeck,	Stout,
Gekas,	Howard,	Moore,	Tilghman,
Greenleaf,	Jubelirer,	Pecora,	

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF SB 1366

BILL LAID ON THE TABLE

SB 1366 (Pr. No. 1764) — Senator SCHAEFER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1366, Printer's No. 1764, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

On the question,
Shall the bill pass finally?

YEAS—49

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

NAYS—0

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

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

SB 1377 (Pr. No. 1748) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

SB 1378 (Pr. No. 1749) — 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,	Hankins,	Loeper,	Reibman,
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Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

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.

BILLS OVER IN ORDER

HB 1585 and 1799 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2239 (Pr. No. 2861) — 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,	Hankins,	Loeper,	Reibman,
Arlene,	Hess,	Lynch,	Romanelli,
Bell,	Holl,	Manbeck,	Ross,
Bodack,	Hopper,	Mellow,	Scanlon,
Coppersmith,	Howard,	Messinger,	Schaefer,
Corman,	Jubelirer,	Moore,	Smith,
Dwyer,	Kelley,	Murray,	Snyder,
Early,	Kury,	O'Connell,	Stapleton,
Fumo,	Kusse,	O'Pake,	Stauffer,
Gekas,	Lewis,	Orlando,	Stout,
Greenleaf,	Lincoln,	Pecora,	Tilghman,
Gurzenda,	Lloyd,	Price,	Zemprelli,
Hager,			

NAYS—0

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

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

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Senator ARLENE. Mr. President, I announce a meeting of the Committee on Labor and Industry, to be held immediately, during which time the Senate can proceed with its business.

The PRESIDING OFFICER. There being no objection, the

Committee on Labor and Industry will proceed with its meeting.

**CONSIDERATION OF CALENDAR RESUMED
SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED
OVER IN ORDER**

SB 765 — Without objection, the bill was passed over in its order at the request of Senator ZEMPRELLI.

**NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 1396, 1397, HB 1530, 2028, 2146 and 2191 — Without objection, the bills were passed over in their order at the request of Senator ZEMPRELLI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 101 (Pr. No. 3343) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

Upon motion of Senator ZEMPRELLI, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL REREFERRED

SB 194 (Pr. No. 1773) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator EARLY offered the following amendments:

Amend Sec. 1 (Sec. 18), page 5, lines 15 through 20, by striking out all of said lines and inserting:

(b) Each unit of local government shall enact legislation restricting the annual growth in expenditures of each such municipality, school district, or any other similar general purpose unit of government hereinafter created. A certified copy of said legislation shall be filed with the Department of Community Affairs at such time and in such form as that department may require.

Amend Sec. 1 (Sec. 18), page 7, lines 1 through 5, by striking out all of said lines

On the question,

Will the Senate agree to the amendments?

Senator EARLY. Mr. President, unfortunately the legislation as it currently sits on second consideration does include local government. There has been a great amount of opposition objecting to the fact that local government is included into this legislation. I have to tell you that personally I am against taking local government out of this bill. I think local government could fall within the guidelines set forth in this legislation. I think local governments would live within the guidelines set forth in this legislation. I think local government could do the job that they were elected to do.

In the debates in the public hearings on this legislation, I always kept two things in mind. One, that all government would

be able to do the job that they were elected to do and at no time did we ever anticipate having legislation that would not permit a school board member to educate the children, a township or borough official from maintaining the roads, maintaining the police department and at no time did we want a county commissioner not to be able to have a health department, road department or, whatever it is they wanted to do.

Senate Bill No. 194 does give them an increase. Many times people have said that you are trying to restrict our spending. The only spending we anticipated restricting was unnecessary spending, spending that was not necessary. Unfortunately, Mr. President, the consensus has been that local government should be taken out of the bill.

With great regret, I offer these amendments. I am hoping with the passage of these amendments that we then can get a spending limitation for the people of Pennsylvania. It is not what I want, but I will be willing to take half a loaf instead of nothing.

MOTION TO REREFER

Senator COPPERSMITH. Mr. President, this is a basic policy question I think should be dealt with by the Committee on Finance. If it is in order now, I would offer a motion to rerefer Senate Bill No. 194 to the Committee on Finance.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would oppose the motion of the gentleman from Cambria, Senator Coppersmith, to rerefer Senate Bill No. 194. I believe the amendments before us should be considered with the opportunity to debate on the legislation. I think if the gentleman from Cambria, Senator Coppersmith, wishes to move for a rereferral that a more appropriate time would be when an issue such as the one introduced by the gentleman from Allegheny, Senator Early, was considered and disposed of.

Mr. President, I would hope that every Member would vote against the motion to rerefer.

POINT OF INFORMATION

Senator ROMANELLI. Mr. President, I rise to a point of information.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Romanelli, will state it.

Senator ROMANELLI. Mr. President, a motion to rerefer, does that not take precedent over any other motion on the floor?

The PRESIDING OFFICER. It takes precedent over the proposed amendments, Senator Romanelli, and that is why the issue before us now is the motion to rerefer made by Senator Coppersmith.

Senator EARLY. Mr. President, the rules of the Senate permit me to debate the motion of rereferral.

PARLIAMENTARY INQUIRY

Senator KELLEY. Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I have just returned to the floor after participating in the meeting of the Committee on Labor and Industry and I would like to know at what point on the Calendar and what the issue is immediately before the Senate?

The PRESIDING OFFICER. The Chair has heard the gentleman's request for a point of personal privilege. At this point, Senator Kelley, we are considering Senate Bill No. 194 which is on second consideration, page 7 of today's Calendar, and the motion was made by Senator Coppersmith to rerefer the bill to the Committee on Finance.

Senator KELLEY. I thank you, Mr. President, and I disagree with the Chair. It was not a point of personal privilege, it was a point of parliamentary inquiry, what the status of the inquiry was.

Senator EARLY. Mr. President, I will concede the fact that we will have to have a vote on rereferral, but to make it perfectly clear, page 8 of our rules indicates a motion to refer or rerefer to committee is debatable as to the propriety of the reference, but the main question is not open to debate.

With that in mind, I would like to debate the motion to rerefer the bill. I will assure you, Mr. President, I will be extremely careful not to discuss the content of the legislation itself, so we might as well get the objections out of the road before I start.

Senator COPPERSMITH. Mr. President, I will withdraw my motion to rerefer now if you wish to debate the amendments and then I will offer the motion to rerefer after the vote on that.

Senator EARLY. Mr. President, I am perfectly content to go through with the debate on the rereferral motion because we must face it sometime, so let us face it now.

Senator COPPERSMITH. Very well, Mr. President. I will not withdraw the motion.

Senator EARLY. Mr. President, it is no secret that we have had legislation similar to the legislation that we are asked to rerefer. The legislation to which I make reference is House Bill No. 1.

The motion to rerefer Senate Bill No. 194 to the Committee on Finance is futile. There is no doubt that the chairman of that committee is fond of House Bill No. 1. He has had it since the eighteenth day of December. To give him another piece of legislation that is practically verbatim is totally useless.

Mr. President, I would like to point out that to rerefer this bill you are killing any chance of getting a spending limitation for a minimum of three years. We must pass this legislation by the first day of August because it must be advertised before the November election of this year. If we were successful in doing that, we then could pass it at this Session, advertise it by August, we could pass it again in verbatim form the early part of next year which is the second Session and then we could vote it and it could be put to a referendum by the people, either the primary or the general election of 1981.

Mr. President, if you do this, if you rerefer this bill, you are delaying it for an additional three years. Mr. President, I am not saying Senate Bill No. 194 is in perfect form. There are

parts of it that I, too, dislike. But, we on the Senate floor have not had an opportunity to debate this issue to come up with a piece of legislation which we can pass and send over to the House.

Mr. President, there is no doubt the people of Pennsylvania want legislation which does restrict spending on the part of politicians. That is a known fact. What I am trying to do, Mr. President, is get a piece of legislation that would permit the people to vote, give them a chance to vote on it. I am asking for an opportunity to debate Senate Bill No. 194 in its entirety. Mr. President, if you vote to rerefer this bill, you are voting to do away with giving us any chance whatsoever of debating this bill on the floor of the Senate.

I ask, Mr. President, that we vote against any motion that rerefers, or any motion that kills this legislation.

Senator LOEPER. Mr. President, I also rise to oppose rereferral of this bill to committee.

I believe the General Assembly at this point has been discussing spending legislation in both houses since the beginning of the current Session. We have already heard the history of House Bill No. 1 and where that piece of legislation now lies. I believe we have before us a companion bill, comparable in many respects, that would provide some type of meaningful spending legislation on not only the State level but also the local levels of government throughout the Commonwealth.

Mr. President, I would respectfully suggest that our colleagues here in the Senate consider the amendments that are now before us. Give us the opportunity to hear local government and also have their input into this type of legislation and provide them with the latitude that they request in order to provide their own means of limitation at their particular level.

Again, Mr. President, I would ask my colleagues on a negative vote to rerefer this bill.

Senator BELL. Mr. President, I am a former Chairman of the Committee on Constitutional Changes and Federal Relations and this is a committee from whence this bill came. That committee had proper jurisdiction over Senate Bill No. 194.

The motion which I heard to rerefer is actually a motion to rerefer to a different committee. This attacks the integrity of the committee from whence this bill came.

Senator ORLANDO. Mr. President, I rise to support the motion to rerefer Senate Bill No. 195 to my committee. I presently have House Bill No. 1 in my committee which is quite similar to the bill which came out of the Committee on Constitutional Changes and Federal Relations about a week or so ago, Senate Bill No. 194.

It is interesting to hear the comments that this bill will never see the light of day. I happen to be the chairman of that committee. I have never buried a bill in my committee and I do not intend to bury this bill in my committee.

The communications which I have received so far, phone calls and many, many letters are urging for immediate relief, for tax spending limitation. This bill and House Bill No. 1 does neither. We have to wait two to three years for two consecutive legislative Sessions before the electorate can vote whether or not to accept the tax spending limitation. I am going to abide, I hope,

if my committee supports me, on a bill which will be a statutory bill so that we can put something into effect immediately and not have to wait three years down the road. This seems to be the gist of most of the mail and phone calls which I have received to date.

Senator EARLY. Mr. President, House Bill No. 1 as we know, is sitting in the committee of the gentleman from Erie, Senator Orlando, on which public hearings were held. I would like to state the gentleman's comments that were in the Erie, Pennsylvania Morning News. "My feeling is that if we make a statutory change to limit spending, we can always repeal it if it does not work out. Actually, I think this bill is a little premature. We need property tax reform, and other tax reform," said the gentleman from Erie, Senator Orlando." If the gentleman is going to sit on this legislation until we have property tax reform, he is going to be sitting on it an awfully long time.

The gentleman also stated "he prefers to delay the bill for a year until Governor Dick Thornburgh's tax study commission issues its report." The gentleman has said publicly what his intentions are. I am saying a rereferral vote to the gentleman's committee is going to do exactly what he publicly said, kill this legislation.

Senator ORLANDO. Mr. President, I appreciate the interpretation by my colleague of some of the comments which were made supposedly in Erie. Historically, for the past eight years and especially since I have been Chairman of the Committee on Finance, when a piece of legislation comes into my committee, my staff and myself, if needed, have public hearings. We do work on the legislation specifically to bring out a piece of legislation which is acceptable to the majority of the Senators here or the majority of the people that it is going to affect. I intend to do the same thing with House Bill No. 1.

PARLIAMENTARY INQUIRY

Senator ANDREWS. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Lawrence, Senator Andrews, will state it.

Senator ANDREWS. Mr. President, would it not be true if we passed this bill this year and passed it again in January, that it could be voted upon in the primary next May rather than three years down the road as was just stated?

The PRESIDING OFFICER. Senator Andrews, the Chair is not familiar with the advertising requirements and, therefore, that would seem to be a constitutional or legislative interpretation question as opposed to a matter of parliamentary procedure. Therefore, we are not in a position to respond to your question.

Senator ANDREWS. Mr. President, I would just state then for the Members of this Chamber that my recollection is, if we pass Senate Bill No. 194 this year and it passes the House, too, of course, and we would do it again in January, it could go in the primary next May, so we are really not talking necessarily about a three-year delay in voting on this legislation. It could be done in less than a year if the Legislature would so choose.

The PRESIDING OFFICER. Senator Andrews, the Chair, for the sake of trying to respond to your inquiry, might direct your

attention to Article XI which is on page 59 of the copy of the Constitution which you ought to have at your desk. That may be able to answer your question.

Senator ZEMPRELLI. Mr. President, I was an original supporter of the concept of tax limitation spending. Then House Bill No. 1 was presented and actively brought up for consideration. I examined House Bill No. 1 and it pretended to impose a tax limitation on all levels of government, within certain limitations of allowing the cap to move to a certain percentage based on an economic factor.

Mr. President, I was so apprehensive about that concept that I shuddered because had House Bill No. 1 in its form passed, it would have been catastrophic to the many school districts and municipalities throughout the Commonwealth of Pennsylvania. I think I can best illustrate that by saying this. Schools are our business and certainly schools have to be regarded as being a material part of our business if we are spending forty-four cents out of every dollar for schools. If your school district which derives its benefits from two sources, school subsidies and from local effort only as mine does, and you cap both the State and the local government in its ability to raise funds, it is a counterproductive and self-degrading and self-destructive system.

It is like putting a blanket over stench, because you really have not gotten to the hard core of the problem. The problem arises in the distribution of monies and subsidies that we make at the State level and to simply cap them by some form of limitation is only to exaggerate the inconsistency and the inequity that exists in the first instance. The rich would get richer and the poor would get poorer under the mechanism of House Bill No. 1.

I quite frankly do not know what would happen in Senate Bill No. 194, but if it is in fact that kind of a bill, then I would have the same kind of apprehension.

Mr. President, the point that I make is that properly the Committee on Finance is the committee that has been examining House Bill No. 1 and, of course, Senate Bill No. 194 should also be considered by that committee.

If the apprehension is that it is being rereferred to the Committee on Finance in order to kill it, let me allay those concerns because I have the word of the gentleman from Erie, Senator Orlando, as well as many others in our caucus that they are anxious to deal with this subject matter.

It would be my concern and my certain feeling about this matter that it should be the Committee on Finance that should do an in-depth study on a concept so radical and certainly so meaningful as tax limitations.

Last week the Pittsburgh Post Gazette that supports a form of tax limitation editorialized on the subject matter of tax limitation as it related to House Bill No. 1. The Pittsburgh Post Gazette suggested that if we followed the precepts and rules and regulations of House Bill No. 1 rather than adopting the policy that we did with respect to last year's budget and this year's budget, we would all be paying more taxes, and the budgets that we finally arrived at were far more economical than if we were to work within the precepts of House Bill No. 1—and I am not sure about Senate Bill No. 194.

Mr. President, I am sure these are the kinds of questions that all of us want answered and I am simply not prepared to vote on the merits of Senate Bill No. 194 and quite properly believe a motion to rerefer to the Committee of Finance is a motion whose time has come.

Mr. President, I would ask for an affirmative vote on the motion to rerefer.

Senator EARLY. Mr. President, I very cleverly did not debate Senate Bill No. 194. My good friend, the gentleman from Allegheny, Senator Zemprelli, did. I did not indicate that he was out of order because I wanted to, so I would appreciate it if the Chair would give me the same privilege of debating the bill as we just heard from the gentleman from Allegheny, Senator Zemprelli.

It would not be a catastrophe, Mr. President, if we passed this legislation. As the gentleman mentioned, school subsidy, Mr. President, the guidelines that are currently in Senate Bill No. 194 would not create a catastrophe. In fact, Mr. President, the guidelines set in Senate Bill No. 194 fall well within the guidelines set by State government which means it would not affect the subsidy at all.

Mr. President, we could increase the subsidy considerably more than what the Governor has asked and stay within the limits. Therefore, it would not be a catastrophe, not one iota would it be a catastrophe. I indicated, Mr. President, I would never ever vote for legislation that would prevent a school board member, a township commissioner or a State Senator from doing his job. Nothing in Senate Bill No. 194 would do that. In fact, the budget that we will be debating in the next couple days falls within the limits. I must emphasize that so it is not a catastrophe. It is not counterproductive, it is anything but.

The gentleman had said that I am apprehensive that we would kill the legislation. It is not a matter of saying to the gentleman from Erie, Senator Orlando, he will not bring it out. If he says he will bring it out, the gentleman will bring it out.

Mr. President, we all have a Calendar. It must be passed by the first day of August because it has to be advertised ninety days before the General Election. Therefore, Mr. President, Senate Bill No. 194 would have to be brought in and out practically within a week to give us sufficient time to debate this on the floor.

I assure the gentleman, as Chairman of the Committee on Constitutional Changes and Federal Relations, which is where House Bill No. 1 should have been sent, Senate Bill No. 194 was sent to my committee which was verbatim to House Bill No. 1, but House Bill No. 1 when it came from the House was not sent to my committee. There was no reason for it not being sent there.

I assure the gentleman we have accomplished an in-depth study. The Committee on Constitutional Changes and Federal Relations has studied this long and hard. I think you will find very few individuals against the amendments that I propose on the floor of the Senate.

The gentleman mentioned the Pittsburgh Post Gazette. The editorial which was written by the Pittsburgh Post Gazette was written without the benefit of the editor reading the legislation

or even reading the first page of his paper, because on Monday morning of last week the Pittsburgh Post Gazette had an excellent article listing exactly what the bill does and what the bill does not do. The editorial was totally off base.

Mr. President, all the points the Majority Leader has made are totally unfounded. I am basically asking you, Mr. President, not to put this bill in committee. I am asking you to let us have a debate on this legislation. Let us fight over it. Let us do what we must, but let us have an opportunity to discuss our differences.

I am not saying Senate Bill No. 194 as it came from my committee is perfect. There are certain parts that I do not like, but the committee chose to put various amendments into the bill that I was not happy with, in fact I voted against. Since this is a democracy, I accepted it and the bill came to the floor. All I am asking is to give fifty Senators an opportunity to have an in-depth debate on this legislation and then after we complete that, if you want to rerefer the bill to a committee, fine, but give us an opportunity to debate the issue that ninety per cent of the people of Pennsylvania are asking us to pass. What I am asking is an opportunity to debate a piece of legislation that they want.

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

The PRESIDING OFFICER. Will the gentleman from Erie, Senator Orlando, permit himself to be interrogated?

Senator ORLANDO. I will, Mr. President.

Senator LOEPER. Mr. President, I was wondering if the gentleman from Erie, Senator Loeper, could clarify somewhat further his earlier remarks relative to the reporting out of some type of spending legislation. The gentleman indicated, I believe, that it would be more advantageous to report out something of a statutory nature rather than a constitutional amendment; is that correct?

Senator ORLANDO. That is correct, Mr. President, if my committee goes along with it. I am one member of my Committee on Finance.

Senator LOEPER. Mr. President, is it also my understanding that the gentleman would propose the statutory limitations for the State as well as the local levels, including school districts?

Senator ORLANDO. Mr. President, I did not intend to include school districts or the local level. My bill which I am contemplating is a statutory bill only at the State level.

Senator LOEPER. Mr. President, would the gentleman think it be correct then that because we are considering statutory limitations rather than a constitutional change that it would be more proper then for this bill to be rereferred to his committee?

Senator ORLANDO. Mr. President, that was my thinking. That was one of the reasons. A second reason is this is a Senate bill and it has to go to the House and the deadline, as the gentleman from Allegheny, Senator Early, stated, I do not know if he is correct or not, I do not know what the machination is for getting a constitutional amendment on the ballot, how many days are necessary, but Senate Bill No. 194 would have to go to the House and be acted upon by the House and if there are any amendments it would have to come back to us for concurrence and I can see this going, perhaps, into the fall before we even

consider the bill that comes back to us from the House.

Senator LOEPER. Mr. President, I have no further questions for the gentleman other than simply to add again to oppose the motion for rereferral. I think once again we are talking apples and oranges, we are not talking about meaningful spending limitation legislation, and I do not think we are talking about a timely manner.

Senator BELL. Mr. President, I would like to call the attention of the Senate to the fact that Senate Bill No. 209 has been in the committee of the gentleman from Erie, Senator Orlando, and this bill has been in there since around March of 1979, and this is known as the Hager bill which does take the statutory approach. The Senate Committee on Finance has had an ample opportunity to process that bill.

Mr. President, what we have here is not who gets the bill. The vote on this rereferring motion—it is not a recommittal, because recommittal means going back to the committee from whence it came, but this rereferral to a different committee, one that was properly within the jurisdiction of the Committee on Constitutional Changes and Federal Relations—is a vote of lack of confidence in this Committee on Constitutional Changes and Federal Relations and its chairman.

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

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

YEAS—25

Arlene, Bodack, Coppersmith, Fumo, Gurzenda, Hankins, Kelley,	Kury, Lewis, Lincoln, Lloyd, Lynch, Manbeck,	Mellow, Messinger, Murray, Orlando, Reibman, Romanelli,	Ross, Scanlon, Smith, Stout, Tilghman, Zemprelli,
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NAYS—24

Andrews, Bell, Corman, Dwyer, Early, Gekas,	Greenleaf, Hager, Hess, Holl, Hopper, Howard,	Jubelirer, Kusse, Loeper, Moore, O'Connell, O'Pake,	Pecora, Price, Schaefer, Snyder, Stapleton, Stauffer,
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A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDING OFFICER. Senate Bill No. 194 is rereferred to the Committee on Finance.

BILL ON SECOND CONSIDERATION

HB 227 (Pr. No. 3317) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 230 (Pr. No. 3339) — Upon motion of Senator ZEMPRELLI, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION AMENDED

SB 256 (Pr. No. 258) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?
Senator SCHAEFER offered the following amendments:

Amend Title, page 1, lines 2 and 3, by striking out "license plates for prisoners of war." and inserting: registration plates for prisoners of war.

Amend Sec. 1 (Sec. 1345), page 1, line 9, by striking out "Special plates for prisoners of war." and inserting: Prisoner of war plate.

Amend Sec. 1 (Sec. 1345), page 1, line 10, by striking out "Plates" and inserting: General rule

Amend Sec. 1 (Sec. 1345), page 1, line 11, by inserting a comma after "war"

Amend Sec. 1 (Sec. 1345), page 2, line 8, by striking out "prescribed" and inserting: defined

Amend Sec. 1 (Sec. 1345), page 2, lines 11 through 14, by striking out ", shall, upon summary" in line 11, all of lines 12 through 14 and inserting: is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

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 SCHAEFER.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 303 (Pr. No. 1795) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

Upon motion of Senator ZEMPRELLI, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION AMENDED

HB 821 (Pr. No. 3298) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

SMITH AMENDMENTS

Senator SMITH offered the following amendments:

Amend Title, page 1, line 6, by inserting after "director," increasing certain authorized acquisition allowances concerning textbooks for nonpublic school children,

Amend Sec. 1, page 1, line 11, by inserting after "322," 923-A(d),

Amend Sec. 1, page 1, line 14, by inserting after "(NO.2)": section 923-A(d) amended August 24, 1977 (P. L. 199, No. 59),

Amend Sec. 1, page 2, by inserting between lines 27 and 28:

Section 923-A. Loan of Textbooks, Instructional Materials and Equipment, Nonpublic School Children.—***

(d) Purchase of Textbooks and Instructional Materials. The secretary shall not be required to purchase or otherwise acquire textbooks, pursuant to this sec-

tion, the total cost of which, in any school year, shall exceed an amount equal to twelve dollars (\$12) for the school year 1973-1974, fifteen dollars (\$15) for the school year beginning July 1, 1974 and [twenty dollars (\$20)] twenty-seven dollars (\$27) for each school year thereafter or instructional materials, the total cost of which, in any school year, shall exceed an amount equal to ten dollars (\$10), multiplied by the number of children residing in the Commonwealth who on the first day of October of the school year immediately preceding are enrolled in grades kindergarten through twelve of a nonpublic school.

On the question,

Will the Senate agree to the amendments?

Senator SMITH. Mr. President, these amendments would raise the now \$20 that the nonpublic schools receive for instructional material to \$27.

Mr. President, I am not even going to mention inflation or poverty, that is not really what it is all about. The nonpublic schools simply have no tax base in which they can turn and raise tax to generate revenue. The nonpublic schools render a service to the Commonwealth and I believe they are very proud of the very fact that the children are taught and they do have some accomplishment in that field.

Mr. President, I ask the Members of the Senate to consider that we are simply asking to raise the instructional materials from some \$20 to \$27 to fit an absolute need that is now prevalent in the nonpublic schools. I ask an affirmative vote on the amendments.

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

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Senator Smith, permit himself to be interrogated?

Senator SMITH. I will, Mr. President.

Senator ANDREWS. Mr. President, I would ask the gentleman what the total cost of these amendments would be?

Senator SMITH. Mr. President, I would not know at this moment what it would cost, but I would assume we would refer it to the Committee on Appropriations and then we would have a cost factor. In fact, that would be the normal procedure.

Senator ANDREWS. Mr. President, the other question I have is, how much—well obviously if the nonpublic schools do not get these amendments they have to charge more in the way of tuition—would this save on a tuition for the average nonpublic school student?

Senator SMITH. Mr. President, I would assume that it would reduce the tuition by \$7.00 if we are going to take a figure that you are asking me to pull out of the air. I thought that was the proposition the Committee on Appropriations would then adjudicate when we vote it back to the Committee on Appropriations.

Senator ANDREWS. Mr. President, I just simply would add, I do not know how we can really vote on amendments if we have no idea really what the price tag is. If we have to vote on the amendments and then go to the Committee on Appropriations to find out what the price tag is, should we not first send it to the Committee on Appropriations, have them put the amendments in, determine the price tag and let it come back

to the Senate so that we can intelligently evaluate this matter?

Senator SMITH. Mr. President, the Committee on Appropriations does not have House Bill No. 821 in front of it, therefore, we are not required to give a cost factor until we have the bill into our committee.

Senator BELL. Mr. President, I am going to support these amendments because the nonpublic schools need this money.

Mr. President, I know this is in good faith and I know that the gentleman from Philadelphia, Senator Smith, is not trying to kill the bill by getting hold of it because of residential residency in here, because I know the gentleman knows if this goes to the Committee on Appropriations and he tries to kill this bill, I am going to prepare a discharge resolution so we will have a vote on whether the bill is killed or not.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—40

Arlene,	Hankins,	Lynch,	Reibman,
Bell,	Holl,	Manbeck,	Romanelli,
Bodack,	Jubelirer,	Mellow,	Ross,
Coppersmith,	Kelley,	Messinger,	Scanlon,
Corman,	Kury,	Murray,	Schaefer,
Dwyer,	Kusse,	O'Connell,	Smith,
Early,	Lewis,	O'Pake,	Stapleton,
Fumo,	Lincoln,	Orlando,	Stout,
Greenleaf,	Lloyd,	Pecora,	Tilghman,
Gurzenda,	Loeper,	Price,	Zemprelli,

NAYS—9

Andrews,	Hess,	Howard,	Snyder,
Gekas,	Hopper,	Moore,	Stauffer,
Hager,			

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

On the question,

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

MELLOW AMENDMENTS

Senator MELLOW offered the following amendments:

Amend Sec. 1 (Sec. 1501), page 3, line 13, by striking out "NO" and inserting: For the school year 1979-1980, no

Amend Sec. 1 (Sec. 1501), page 3, line 18, by striking out "NO" and inserting: For the school year 1979-1980, no

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

PARLIAMENTARY INQUIRY

Senator MELLOW. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, would the amendments that were included in House Bill No. 821 by the gentleman from Philadelphia, Senator Smith, according to the rules of the Senate, have to be referred to the Committee on Appropriations?

The PRESIDING OFFICER. It would seem to be the appropriate motion, Senator Mellow, but we have other amendments which Senators wish to have considered.

Senator MELLOW. Mr. President, I am aware of that but with the admission of the amendments of the gentleman from Philadelphia, Senator Smith, would the bill have to go into the Committee on Appropriations?

The PRESIDING OFFICER. Yes, Senator Mellow.

And the question recurring,

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

KURY AMENDMENTS

Senator KURY offered the following amendments:

Amend Sec. 1 (Sec. 1501), page 3, line 7, by inserting before "MINIMUM": (a)

Amend Sec. 1 (Sec. 1501), page 3, line 17, by inserting after "DISTRICT": except as provided in subsection (b)

Amend Sec. 1 (Sec. 1501), page 3, by inserting between lines 29 and 30:

(b) Notwithstanding the provisions of subsection (a), the requirement of one hundred eighty (180) days of instruction is waived in the event of a work stoppage due to a labor dispute. In such a case if a school district fails to complete one hundred eighty (180) days of instruction it shall have its subsidy payments or reimbursements reduced by 1/180th for each day less than one hundred eighty (180) and teachers salaries shall be reduced by one day's salary for each day of instruction less than one hundred eighty (180).

On the question,

Will the Senate agree to the amendments?

Senator KURY. Mr. President, these amendments would waive the 180 day requirement when there is a teachers' strike. As House Bill No. 821 is now drafted, it provides the school districts need not change their graduation schedule or make up the lost days if there is a severe weather situation or other thing, other circumstance outside the control of the school board which prohibits them from doing so after a reasonable effort.

I do not see any reason why that should not apply to teachers' strikes as well because the impact on the student is the same regardless of the reason he is not getting his 180 days. The student still does not get that time.

I think, Mr. President, the logical thing to do is to add teachers' strikes. What I have done, Mr. President, is take the suggestion made by the Governor's Blue Ribbon Commission to study public employee relations.

Mr. President, I have placed on every Member's desk a copy of page 30 from the commission report which was chaired by former Chief Justice Benjamin R. Jones. This is on every Member's desk and it explains what their recommendation is. Their recommendation is that for every day their teachers are on strike, the teachers lost 1/180th of their salary and the school board also loses 1/180th of its school subsidies.

The purpose of the recommendation by the commission was to put an economic incentive on both sides of the strike to settle. I would like to read the rationale propounded by the commission in making this recommendation. As I said, this is on every Member's desk.

I am quoting from the commission now: "The commission has concluded that both teachers and school boards lack an economic incentive to end the strike. Due to the unique situation in Pennsylvania educational labor relations, teachers are able to strike without facing the same economic consequences as do other categories of public employees, while some school districts are able to save money through nonpayment of teacher salaries. The intent of our proposal is to remedy this situation. Only when both parties to a labor dispute face the threat of a financial penalty in the event of a strike, will the number and length of strikes be effectively reduced. When the days of instruction lost to a strike have to be made up as a matter of law, teachers lack an economic incentive to end that strike."

Mr. President, my amendments would precisely implement that recommendation of the commission and I urge Members on both sides of the aisle to support it.

Senator SCHAEFER. Mr. President, I rise in support of the amendments being offered by the gentleman from Northumberland, Senator Kury. I believe these amendments deal quite squarely with one of the most crucial issues facing parts of my Senatorial district. Those of you who are from Allegheny County know full well the problems that some of the communities in my Senatorial district have faced because of prolonged school strikes. I feel it is important that I take a moment to share with you and my colleagues what I perceive to be the effects of these strikes.

The Mount Lebanon School strike rocked that community. The strike in my own home town of Bethel Park is still not settled. It is unresolved even though the court did enjoin the teachers back to work for the rest of this school year after forty-four school days were lost. It is no secret that the situation in my community of Bethel Park is tense. It is a veritable powder keg waiting to explode.

Parent after parent is fearful about what is going to happen this coming fall when the court's injunction ends. The community has been torn apart. Both sides have been polarized. The entire educational system in Bethel Park is in disarray and I am fearful, and I ask the President's indulgence, but I am fearful that all hell is going to break loose this fall.

I am convinced that nothing tears apart a community like a prolonged school strike. You have to experience it to believe it.

I have participated in an endless series of meetings and public hearings. I have talked to hundreds upon hundreds of people, including teachers, school board members, administrators, school solicitors, parents and students. One thing is clear to me, the real victims of these school strikes are not the teachers, are not the school board members, the real victims of a school strike are our children. I ask us, let us not lose sight of what I feel to be one of our most important responsibilities in this Commonwealth, that is the education of our young. I am firmly convinced the current law, Act 195, is not working in the best interest of our children.

I, too, have read the Jones Commission report from cover to cover. I believe the conclusion that the gentleman from Northumberland, Senator Kury, shared with us is compelling. Mr. President, I have tried to show that I am firmly convinced there is a real need to do something about the school strike situation in this Commonwealth.

While others may be content to talk or posture themselves around this issue, I believe something must be done and done now.

Mr. President, I intend to vote for these amendments out of a sense of frustration. I am of the opinion that these amendments should help prevent the agonizing frustrations when, as I have seen, entire communities are forced to endure when a school strike reaches the point of no return.

Mr. President, I urge a "yes" vote on the amendments.

Senator BELL. Mr. President, unlike the preceding speaker, I did not have the benefit of these amendments in time to do research on them, but I have a gut feeling there is something wrong in here.

Last night at about 7:00, I had delivered to my office and I have been studying it today, the figures of how much money is going to go to the various school districts under the Thornburgh budget. I notice that for my district, practically every school district is going to have to radically raise real estate taxes.

Because of this great pinch, I strongly suspect there are going to be an awful lot of school strikes this fall. If these amendments become law, the school teachers are going to lose, the school districts are going to lose and the State government is going to make out like Santa Claus. The money that does not go to the school districts is going to stay in the State treasury and this is going to make it even harder to get a compromise and a peaceful solution. I am very much concerned that this is going to make further chaos out of something that appears already to be coming down the road, and something that can be quite undesirable.

Therefore, Mr. President, I am voting against these amendments.

Senator MANBECK. Mr. President, I am going to support these amendments and I am sort of torn up because of the problems that are existing in our economy. Last night, I had been invited to a school board meeting and when I got there, there were about 400 people there. They had a ten mill tax rise in the future for them.

I was Chairman of the Committee on Labor and Industry several years ago when the public employees legislation was

before us and we had various teachers coming before this Senate and before the committee and saying, "We do not want to strike. We just want this instrument to put a little threat on the school boards." I am one who believes the school teachers need to be paid as well as they would be in industry. Unfortunately, there is a spiraling inflation and industry salaries are rising and school teachers' salaries are rising and the people that were at this meeting last night were real militant. They did not want a tax increase. I do not really know how to solve that problem, but I do think that these amendments would put the fear into the school teachers not to strike and to negotiate further on their salary issue.

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

The PRESIDING OFFICER. Will the gentleman from Northumberland, Senator Kury, permit himself to be interrogated?

Senator KURY. I will, Mr. President.

Senator LLOYD. Mr. President, I wonder if the gentleman from Northumberland, Senator Kury, would be kind enough to elaborate again on some of the implications of these particular amendments. I sense this is one of those critically important pieces of legislation we are handling via the amendment process and I must admit that I do not, certainly at this point, pretend to thoroughly understand its implications.

Mr. President, this is to say that if a school strike takes place and the school, for whatever reason, is unable to get in 180 days that the teachers who have not taught 180 days would, therefore, not be paid for 180 days work which they currently are paid for under this type of arrangement, is that correct?

Senator KURY. Yes, Mr. President. One of the big differences between a teachers' strike and other strikes is the teachers know that under the 180 day rule they will get paid for the days because they have to make them up, but when the International Garment Workers Union or the United Steelworkers or anybody else goes on strike, they lose a day's salary for every day they are on strike. Just like the management of the companies they are striking potentially loses profits for the days the company is not producing. There is on both sides of those bargaining tables an incentive to come together, but that is lacking in school strikes.

The purpose of these amendments, as the Jones Commission so ably pointed out, is to put that incentive in the school strikes.

Senator LLOYD. Mr. President, I have another thing I am wondering about if the gentleman from Northumberland, Senator Kury, would be able to elaborate upon it. First, let me say that I certainly agree with the fact that if someone does not do a day's work, they should not be paid for it. One of the sources of concern I have, however, here is with regard to the school districts. Has any study or work been done regarding the implications financially this would potentially have on school districts? Would they be able to realistically absorb this kind of consideration?

Senator KURY. Mr. President, I believe they would. The Jones Commission took testimony on this issue and other issues of Act 195 throughout the entire State of Pennsylvania. Membership on that commission included people quite knowl-

edgeable in school finance, such as John Killian, just one name in many that are on the commission that I can remember. There are a number of people on that commission who are quite knowledgeable in school matters. The net result of the hearings and the deliberations was the recommendation which my amendments would implement.

Actually, Mr. President, we have these kinds of commissions that make the effort they do and they have these kind of recommendations that we ought to implement.

Senator LLOYD. Mr. President, again I would like to reiterate that what we are dealing with here, I think, is a critically important and broad sweeping piece of legislation.

I want to ask the gentleman from Northumberland, Senator Kury, if there have been other alternative ways to solve this problem explored. Again, I do not pretend to have thoroughly thought this out, but have there been other ways developed or attempted to reduce the incidence of these strikes so that greater effort is made on both sides to reach a satisfactory conclusion before a strike?

Senator KURY. Mr. President, I believe there have been. I recall being at the Jones Commission hearing one day and hearing a number of different proposals that were made. They studied a number of proposals, but this is the one they came up with. I think the gentleman from Allegheny, Senator Schaefer, may have had a proposal that was substantially different than this. After all the deliberation and hearings of that commission, this is the recommendation they think is most feasible and I think it is, therefore, one we ought to consider and adopt.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

The PRESIDING OFFICER. Will the gentleman from Northumberland, Senator Kury, permit himself to be interrogated?

Senator KURY. I will, Mr. President.

Senator LINCOLN. Mr. President, in reading the amendments I see that they apply equally to all 505 school districts; is that correct?

Senator KURY. Yes, Mr. President.

Senator LINCOLN. Mr. President, does the author of the amendments understand that each school district within the Commonwealth is reimbursed at a different percentage of reimbursement? Some of them would vary as high as ninety per cent, down to some of the wealthier school districts at fifteen per cent.

Senator KURY. Mr. President, I am aware of the subsidy formula.

Senator LINCOLN. Mr. President, does the author of the amendments understand that his amendments would be clearly ones that would favor the wealthier school districts, who if they were receiving fifteen per cent of their budget as a State reimbursement as opposed to an eighty per cent school district such as many that I represent, and the number of dollars lost is not even beginning to be equal in proportion?

Senator KURY. Mr. President, I do not agree with that conclusion. I am sure this was a factor which was considered when the Jones Commission evaluated the problem. As I indicated before, they took testimony from all over the State; the Commission was made up of people knowledgeable on this subject

and this was their conclusion as the most practical way to deal with the problem. I think if they had reached a conclusion that the gentleman from Fayette, Senator Lincoln, is suggesting, they would not have done it. Mr. President, I do not share the gentleman's concern on that point.

Senator LINCOLN. Mr. President, do I understand the author of the amendments to say that the constitutional mandate of equal education throughout the State is not important to him and that the fact that he would be punishing an eighty per cent reimbursed district tremendously more than he would be a richer district that would say the heck with the fifteen per cent and forget it? Mr. President, is the gentleman saying to me then that equal educational opportunity throughout the Commonwealth is something we should not consider?

Senator KURY. No, Mr. President, I did not say that at all.

Senator LINCOLN. Mr. President, there is absolutely no question in my mind that the amendments are well intended but there is also no question in my mind that the very poor school districts in Pennsylvania would be put at a very definite disadvantage if this is adopted as part of the School Code.

You would have an undue amount of pressure placed on both school boards and teachers in the poorer school districts and I think the subsequent end result of that would be that the poorer school districts in Pennsylvania, the students in those districts, would not be getting the proper education. They would be denied education in many cases.

Mr. President, I think, also, that one of the things we have to remember is that the Jones report is not just one page, is not just one suggestion; it has incorporated many good ideas, many ideas that may not work. We are in the process now in the General Assembly, in the other Body, of passing a bill that will recodify a very much outdated School Code. That bill probably will be sent to the Senate within a week.

Mr. President, I think if the author of these amendments was sincere in trying to solve some of these problems, that an effort to amend all of the Jones report recommendations as far as the Pennsylvania School Code would be appropriate at that time. For the argument on the percentage of reimbursement and the unfairness to the poorer districts, on that basis, I would ask that you vote "no" on these amendments.

Senator DWYER. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

The PRESIDING OFFICER. Will the gentleman from Northumberland, Senator Kury, permit himself to be interrogated?

Senator KURY. I will, Mr. President.

Senator DWYER. Mr. President, I would ask the sponsor whether it is his intent to abolish the 180-day requirement which has been the State mandated requirement for education for many, many years, decades I understand? Is it the gentleman's intent that there would be no minimum amount of education that the State would require?

Senator KURY. Not exactly, Mr. President. My point is that when there is a teachers' strike that the 180 days be reduced for each day there is a strike. That is not the same thing as what the gentleman is suggesting.

Senator DWYER. Mr. President, in the school district which has, as you indicate, a work stoppage due to a labor dispute, the

school district then would not be compelled in any way once there was a work stoppage to strive to get in 180 days of education for the students?

Senator KURY. Yes, Mr. President, I think they would be able to negotiate however the making up of the days.

Senator DWYER. Mr. President, but there would be no State requirement or no State mandate that they attempt to get in as nearly to 180 days as possible?

Senator KURY. Mr. President, I think the incentive from the subsidy laws would provide that incentive to do that. I think there is an incentive there.

Senator DWYER. Mr. President, I think in response to the previous interrogator, the gentleman from Fayette, Senator Lincoln, he has indicated in many districts there would not be any incentive or very little incentive under the subsidy law. To use a hypothetical, if we had a three month teachers' strike or labor stoppage which would mean about sixty school days would be missed, that means according to the gentleman's amendments, as I understand it then, that school district would only have to provide 120 days of education during that year.

Senator KURY. Mr. President, what my amendments say is that they would get paid for 120 days or the amount of days they actually taught. The teacher would get paid that much, and the school district would get a subsidy for the days they actually conducted class. If they make it up, then they can get what they make up.

Senator DWYER. Mr. President, is there any State requirement though that they attempt to make this up under your amendments?

Senator KURY. Mr. President, there is not an explicit statement but there is an incentive because of the subsidy requirement and also the need to make up their salaries.

Senator DWYER. Mr. President, what is the incentive to make up the salaries, because it is my understanding the teachers do not determine the school schedule?

Senator KURY. Mr. President, under my bill, and as recommended by the Jones Commission, this would be an element of the collective bargaining process, so they could negotiate that as part of the settlement.

Senator DWYER. Mr. President, but there would be no State mandate. It would be possible then for a district to offer 120 days of education if there was a labor dispute.

Senator KURY. I think, Mr. President, that is theoretically possible but I think considering the overall impact of the bill and the subsidies and the salary, that that is not a likely possibility.

Senator DWYER. Mr. President, turning to another area the gentleman has the language "work stoppage due to a labor dispute" and then on down in the amendments the gentleman mentions teachers' salaries shall be reduced by 1/180th of their salary for each day of instruction less 180.

Mr. President, is the gentleman aware that there are other employee groups involved in a school district such as bus drivers, school support personnel, cafeteria workers and others?

Senator KURY. Yes, Mr. President.

Senator DWYER. Mr. President, would these amendments apply to a work stoppage of bus drivers which then would make

the school unable to operate because the students had no transportation?

Senator KURY. Mr. President, I think it would.

Senator DWYER. Mr. President, then the faculty of that school could then be penalized really through no fault of their own if the school missed days because of school bus drivers striking and chose not to make it up, then through no fault of their own the teachers would be penalized salary-wise, the students would be penalized as far as instruction is concerned.

Senator KURY. Mr. President, that may again be theoretical-ly possible. The strikes we have had in Pennsylvania school districts have not been from the bus drivers, and they have not been from the cafeteria workers, they have been from the teachers. Teachers' strikes have gone as long as thirty or forty-five days. That is what we are talking about here. If you want to chase that rabbit around the briar patch we can, but that is really not the issue here.

Senator DWYER. Mr. President, I would just like to point out in partial answer, I think, to the gentleman from Philadelphia, Senator Lloyd, and things that were brought out by the interrogation of the gentleman from Fayette, Senator Lincoln, that under this provision, it is possible basically for many districts in the State, rather than to have an economic deprivation and therefore be driven to negotiate, in fact, it would be an economic benefit under these particular amendments and the encouragement would be to stay out, to not negotiate.

Also, Mr. President, despite what the gentleman from Northumberland, Senator Kury, says, there are many work stoppages and I have had them in my district which did involve school bus drivers and many schools in rural areas, almost 100 per cent of the student body reaches that school by school buses. When you have a strike of school bus drivers, it is impossible to get students to the school and the school must close until that school dispute or work labor dispute involving school bus drivers is resolved. Here you are penalizing innocent parties, two innocent parties, in this case, the students and the faculty of that particular school.

Mr. President, I would also like to point out that the purpose for our public schools, all schools in fact, is to educate our students. I think our aim under the mandate of the Constitution is to try to enact legislation which does encourage at least the minimum mandated number of school days, 180 days, regardless of whether there is a work stoppage or not.

Mr. President, I do not think that we should put into the School Code legislation which could deprive students of many school districts of the required number of days of instruction. It would hurt particularly those who want to proceed with higher education, who have to take standardized tests and many other elements of education which they would then be deprived of and I would urge a negative vote on these amendments.

Senator FUMO. Mr. President, I would just like to say in echoing the statements of the gentleman from Crawford, Senator Dwyer, and the gentleman from Delaware, Senator Bell, particularly the teachers lose on this, the school districts lose, but most importantly, the children lose because it is conceivable that there would not be 180 days instruction, and it might

even be less. If you collectively bargain as the gentleman from Northumberland, Senator Kury, indicates to maybe get up to 180 days, then where does the money come from if they are already shorted thirty days? Do they come back to the Commonwealth and the Commonwealth says okay, you can solve your dispute, here is the money for the twenty days? All these things are unanswered and I think the most important issue that we should be concerned with is education. No one likes a school strike, but the reason why no one likes a school strike or the reason why no one should like a school strike is because it deprives our children of education. In order to waive it in this way, we are seriously jeopardizing the fact that the children do in fact need the education and are not going to get it. I do not think we should leave them out of the debate and we should be made aware of the fact that they would be hurt severely if these amendments were passed.

Senator COPPERSMITH. Mr. President, in answer to the gentleman from Crawford, Senator Dwyer, and the gentleman from Philadelphia, Senator Fumo, I would like to point out that the whole theory of the amendments of the gentleman from Northumberland, Senator Kury, is to create economic inducements to shorten teachers' strikes so that we will not have the long teachers' strike we have had in this Commonwealth.

Theoretically, a teachers' strike could be long enough now, under existing law so the students would not have 180 days. If the school board does not go to court and get an injunction, that is quite conceivable. It is a bad situation where many strikes can only be ended by an injunction.

In regard to the point of the gentleman from Crawford, Senator Dwyer, about bus driver strikes, I should point out to him in the industrial area, many times the key union will go on strike and set up a picket line and close down a whole plant including keeping out of work many people who are not on strike. This is an inevitable part of the strike process, that innocent people will be prevented from working along with those who are actually out on strike.

I agree that these amendments certainly need refinement and need thinking, but I am going to vote for these amendments because I favor the basic concept that there has to be an economic inducement on both parties to end the strike to limit the loss of education days to the children. This bill will be going to the Committee on Appropriations and I doubt very much if the amendments in this form would come to a final vote and go to the Governor, but I am voting for these amendments because I think it is important we establish a principle, that we favor this type of economic inducement to end teachers' strikes, that both the school board and the teachers who are on strike have to have some reason, some economic reason to settle. We do not have that now and that is why we have this present and unfortunate situation.

Mr. President, I really think we have to have a logical and clear line of thought when we deal with education. Last year we had the argument we had to reduce the elementary school hours from 990 to 900 and now when we have an argument on teachers' strikes, all of a sudden, 180 days becomes sacrosanct. We removed seniority from the collective bargaining process, now we are trying to have pensions to enable people to retire

earlier.

We have a schizophrenic policy in regard to what we should have for education in this State. It is time people stop trying to get everything for everyone. They can sit down and have a logical rational analysis of where we are going in education; be fair to both sides and deal with the realities of limited tax increases and the need and the desire to have a better and more effective educational system.

Senator SCHAEFER. Mr. President, there has been discussion by most of the speakers to the 180-day rule and the sacrosanct nature of that particular quantity of education. I would submit for the consideration of this Body though that we have to look at the quality of those 180 days. In Bethel Park, for example, the 180-day rule has resulted in, I think, three holidays being given to the students during the entire school year. I think they were Christmas, New Year's Day and Easter. It has also resulted in the fact that most of the students in the Bethel Park School System have to go to school well into the summer and this is also the case in Mount Lebanon. The absenteeism during the traditional vacation periods and past the traditional date of the end of the school year is phenomenal. I think we are deluding ourselves if we try and focus on that without realizing that we have the quality of education also to consider.

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

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

YEAS—13

Coppersmith, Early, Greenleaf, Howard,	Kury, Manbeck, O'Connell,	Orlando, Pecora, Price,	Schaefer, Snyder, Stapleton,
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NAYS—34

Andrews, Arlene, Bell, Bodack, Corman, Dwyer, Fumo, Gekas, Gurzenda,	Hankins, Hess, Holl, Hopper, Jubelirer, Kelley, Kusse, Lewis, Lincoln,	Lloyd, Loeper, Lynch, Mellow, Messinger, Moore, Murray, O'Pake,	Reibman, Romanelli, Ross, Scanlon, Smith, Stauffer, Stout, Tilghman,
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on second consideration, as amended?

MOTION TO REREFER

Senator SCANLON. Mr. President, I move that House Bill No. 821 be rereferred to the Committee on Appropriations.

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

PARLIAMENTARY INQUIRY

Senator KELLEY. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I am assuming this motion is made as per the earlier inquiry of the gentleman from Lackawanna, Senator Mellow. Would the Chair indicate what is the effect of the bill not going to the Committee on Appropriations but remaining on the Calendar?

MOTION TO REREFER WITHDRAWN

Senator SCANLON. Mr. President, I withdraw the motion to rerefer House Bill No. 821.

The PRESIDING OFFICER. The answer to the gentleman's inquiry is that House Bill No. 821 would appear on the Calendar and still be subject to the application of the rule at such time as the Senate chooses to apply it.

Senator KELLEY. Mr. President, it is possible the Senate would not apply it as they failed to apply it in House Bill No. 1924.

The PRESIDING OFFICER. The rule is there for the Senate to apply as it sees fit, Senator Kelley.

Senator SCANLON. Mr. President, I have withdrawn the motion to rerefer House Bill No. 821.

The PRESIDING OFFICER. The motion has been withdrawn. House Bill No. 821 will go over, as amended.

BILLS OVER IN ORDER

SB 1060 and **HB 1111** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILL ON SECOND CONSIDERATION AMENDED

HB 1172 (Pr. No. 3148) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator O'CONNELL, on behalf of Senator MELLOW and himself, offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 12, by removing the period after "taxes" and inserting: and providing for the deduction and carryover of net operating loss in determining taxable income for corporate income taxes.

Amend Sec. 1, page 1, line 15, by removing the comma after "220" and inserting: and

Amend Sec. 1, page 1, line 15, by striking out "and 403.1"

Amend Bill, page 3, by inserting between lines 4 and 5

Section 2. Subclause 1 of clause (3) of section 401 of the act, amended November 26, 1978 (P. L. 1287, No. 306), is amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(3) "Taxable income." 1. In case the entire business of the corporation is transacted within this Commonwealth, for any taxable year which begins on or after

January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government, or in the case of a corporation participating in the filing of consolidated returns to the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government: Provided, That additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to and ascertained by the Federal Government: Provided further, That additional deductions shall be allowed from taxable income in an amount equal to the amount of any reduction in an employer's deduction for wages and salaries as required by section 280C of the Internal Revenue Code as a result of the employer taking a credit for "new jobs" pursuant to section 44B of the Internal Revenue Code: Provided further, That taxable income will include the sum of the following tax preference items as defined in section 57 of the Internal Revenue Code, as amended, (i) excess investment interest; (ii) accelerated depreciation on real property; (iii) accelerated depreciation on personal property subject to a net lease; (iv) amortization of certified pollution control facilities; (v) amortization of railroad rolling stock; (vi) stock options; (vii) reserves for losses on bad debts of financial institutions; (viii) and capital gains but only to the extent that such preference items are not included in "taxable income" as returned to and ascertained by the Federal Government. No deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year: Provided, That for the calendar year 1980 and fiscal years beginning in 1980 and thereafter, a net operating loss, as provided by section 172 of the Internal Revenue Code, shall be allowed as a deduction and a carryover pursuant to the following schedule:

Net Operating Loss	
for Year	Carryover
1980	1 year
1981	2 years
1982 and thereafter	3 years

The net operating loss shall be carried to the earliest of the taxable years to which, under this schedule, such loss may first be carried. In the case of regulated investment companies as defined by the Internal Revenue Code of 1954, as amended, "taxable income" shall be investment company taxable income as defined in the aforesaid Internal Revenue Code of 1954, as amended. In arriving at "taxable income" for Federal tax purposes for any taxable year beginning on or after January 1, 1971, any corporate net income tax due to the Commonwealth pursuant to the provisions of this article shall not be allowed as a deduction and the amount of corporate tax so due and excluded from Federal taxable income under the Internal Revenue Code shall not be apportioned but shall be subject to tax at the rate imposed under this article.

Section 3. Section 403.1 of the act, amended June 27, 1974 (P. L. 376, No. 126), is amended to read:

Amend Sec. 2, page 3, line 25, by striking out "2" and inserting: 4

Amend Sec. 2, page 3, line 25, by inserting after

"AND": sections 1 and 3

Amend Sec. 2, page 3, line 26, by removing the period after "1974" and inserting: and section 2 shall apply to taxable years beginning on or after January 1, 1980.

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 second consideration, as amended?

It was agreed to.
Ordered, To be transcribed for a third consideration.

BILLS REREFERRED

SB 1280 (Pr. No. 1796) and **SB 1281 (Pr. No. 1599)** — Upon motion of Senator SCANLON, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 1305 (Pr. No. 1640) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1527 and **1528** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

BILL ON SECOND CONSIDERATION

HB 1684 (Pr. No. 2254) — Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

ANNOUNCEMENT BY MAJORITY WHIP

Senator SCANLON. Mr. President, I notice some Members of the Senate are leaving the floor and I want to remind them that there is a Supplemental Calendar which is very important and to please stand by. It will not take very long. We are just about through with this Calendar.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 2000 and **2231** — Without objection, the bills were passed over in their order at the request of Senator SCANLON.

SENATE RESOLUTION, SERIAL NO. 94, CALLED UP

Senator SCANLON, without objection, called up from page 9 of the Calendar, Senate Resolution, Serial No. 94, entitled:

Declaring "Pennsylvania Safe Boating Week."

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 94, ADOPTED

Senator SCANLON. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 94.

The motion was agreed to and the resolution was adopted.

RECONSIDERATION OF SB 1160

BILL LAID ON THE TABLE

SB 1160 (Pr. No. 1745) — Senator SCANLON. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1160, Printer's No. 1745, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator SCANLON. Mr. President, I move that Senate Bill No. 1160 be laid on the table.

The motion was agreed to.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted Report of Committee of Conference on **HB 1924**.

UNFINISHED BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator SMITH submitted the Report of Committee of Conference on **HB 1924**, which was placed on the Supplemental Calendar.

REPORTS FROM COMMITTEES

Senator ARLENE, from the Committee on Labor and Industry, reported, as committed, **HB 2527**.

Senator LEWIS, from the Committee on Local Government, rereported, as amended, **SB 1251** and **1252**; reported, as committed, **SB 1343, 1345, 1346, 1347, 1376** and **HB 1145**; as amended, **SB 1341, 1342, 1344** and **1375**.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Senator KURY submitted the Report of Committee of Conference on **SB 508**, which was placed on the Calendar.

Senator COPPERSMITH submitted the Report of Committee of Conference on **SB 770**, which was placed on the Calendar.

COMMITTEE OF CONFERENCE APPOINTED ON SB 316

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LEWIS, KURY and CORMAN, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to con-

sider the differences existing between the two houses in relation to Senate Bill No. 316.

Ordered, That the Clerk inform the House of Representatives accordingly.

SUPPLEMENTAL CALENDAR

The PRESIDING OFFICER. The next order of business is the Supplemental Calendar, a copy of which has been distributed to the desks of each of the Members.

POINT OF ORDER

Senator KELLEY. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, they have not yet been delivered on the desks in the Chamber. I just received mine after you made the announcement. They are still being circulated.

CONSIDERATION OF CALENDAR RESUMED

SUPPLEMENTAL CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 1924 (Pr. No. 3367) — Senator SCANLON. Mr. President, I move that the Senate adopt the Report of Committee on Conference on House Bill No. 1924, entitled:

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (P. L. 626, No. 9A), adding certain appropriations and changing certain other appropriations and language.

On the question,

Will the Senate agree to the motion?

Senator KELLEY. Mr. President, in all due respect, they have just passed these out and it deals with the appropriation of—what I am asking, Mr. President, is if we could be at ease for five minutes so I could read the report of the Committee of Conference.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Senator KELLEY. Mr. President, I want to thank you for the opportunity that you afforded to my colleagues and me to read the report of the Committee of Conference and I do not think any explanations are necessary. I ask for a roll call vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—42

- | | | | |
|--------------|------------|------------|------------|
| Andrews, | Hager, | Manbeck, | Ross, |
| Arlene, | Hankins, | Mellow, | Scanlon, |
| Bell, | Hess, | Messinger, | Schaefer, |
| Bodack, | Holl, | Moore, | Smith, |
| Coppersmith, | Hopper, | Murray, | Snyder, |
| Corman, | Jubelirer, | O'Pake, | Stapleton, |

- | | | | |
|------------|----------|------------|------------|
| Dwyer, | Kury, | Orlando, | Stauffer, |
| Early, | Kusse, | Price, | Stout, |
| Fumo, | Lincoln, | Reibman, | Tilghman, |
| Greenleaf, | Lloyd, | Romanelli, | Zemprelli, |
| Gurzenda, | Loeper, | | |

NAYS—3

- | | | |
|---------|--------|---------|
| Kelley, | Lewis, | Pecora, |
|---------|--------|---------|

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

Ordered, That the Clerk inform the House of Representatives accordingly.

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

BILL SIGNED

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

HB 1924.

The PRESIDING OFFICER (H. Craig Lewis) in the Chair.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. Arden Tweksbury and to John Scott by Senator O'Connell.

Congratulations of the Senate were extended to James W. Beach by Senator Gurzenda.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER 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 Pauline Barnard Fleming by Senator Greenleaf.

BILLS ON FIRST CONSIDERATION

Senator SCANLON. 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 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1375, 1376, HB 1145 and 2527.

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, last evening and today I was reading very carefully a document received from PSEA as to money coming from the State in the form of school subsidies

under the Thornburgh budget. I was shocked to see that in Delaware County, part of which I represent, that if the Thornburgh budget goes through on school subsidies, the various school districts are going to have to have drastic real estate tax increases.

I would respectfully recommend to every Member of this Senate that they read this document before voting blindly on a report of a Committee of Conference that embodies the Thornburgh educational subsidy budget.

Senator GREENLEAF. Mr. President, I rise to announce that I have offered a condolence resolution to the Senate in recognition of Pauline Bernard Fleming, affectionately known as Polly Fleming, the wife of the late Senator Wilmot E. Fleming, my predecessor.

Polly Fleming passed away on May 18, 1980, this past weekend. Her funeral is scheduled for tomorrow. Mrs. Fleming was very active in the local community. She accompanied Senator Fleming on his trips to Harrisburg on many occasions. She was well known to many of you and held in great affection.

This condolence resolution is offered to her son, Jeffrey and grandchildren and I believe the Senate has lost a good friend and an outstanding citizen.

The PRESIDENT OFFICER. The Chair thanks the gentleman.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 21, 1980

11:30 A.M.	Recessed meeting of the Conference Committee on Senate Bill No. 10	Room 461, 4th Floor Conference Rm., North Wing
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TUESDAY, MAY 27, 1980

12:00 Noon	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 1253; House Bills No. 1608 and 1794)	Room 459, 4th Floor Conference Rm., North Wing
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WEDNESDAY, JUNE 4, 1980

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044)	Auditorium, Wm. Penn Memorial Museum, Harrisburg, PA
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12:00 Noon	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 778 and House Bill No. 2012)	Auditorium, William Penn Memorial Museum, Harrisburg, PA
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THURSDAY, JUNE 5, 1980

10:00 A.M.	LABOR AND INDUSTRY to (Public Hearing on Senate Bills No. 141, 147, 548, 556, 557, 639, 656, 698, 712, 713, 714, 715, 716, 717, 718, 719, 793, 839, 884, 895, 1128 and 1164)	Room 461, 4th Floor Conference Rm., North Wing
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TUESDAY, JUNE 10, 1980

10:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 793, 796, 941; House Bills No. 421 and 1859)	Room 460, 4th Floor Conference Rm., North Wing
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WEDNESDAY, JUNE 11, 1980

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044)	Auditorium, Wm. Penn Memorial Museum, Harrisburg, PA
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THURSDAY, JUNE 12, 1980

9:00 A.M.	LOCAL GOVERNMENT to (Public Hearing on Senate Bills No. 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337 and 1338)	Room 461, 4th Floor Conference Rm., North Wing
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THURSDAY, JUNE 26, 1980

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on House Bill No. 2044)	Auditorium, Wm. Penn Memorial Museum, Harrisburg, PA
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The SECRETARY. The 10:00 a.m. meeting scheduled for tomorrow morning in Room 378, City Hall, Philadelphia, by the Committee on Judiciary, a public hearing on the merit selection process used for nominations of trial judges, has been cancelled.

ADJOURNMENT

Senator SCANLON. Mr. President, I move that the Senate do now adjourn until Wednesday, May 21, 1980, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:30 p.m., Eastern Daylight Saving Time.