

Legislative Journal

MONDAY, JUNE 1, 1981

SESSION OF 1981 165TH OF THE GENERAL ASSEMBLY

No. 33

SENATE

MONDAY, June 1, 1981.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

THE PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

PRAYER

The Chaplain, the Reverend Doctor DINO PEDRONE, Pastor of the Open Door Church, Chambersburg, offered the following prayer:

Our Heavenly Father, we thank You for Your goodness to us.

Father, I thank Thee for each of these individuals that are here in the Senate. We thank You, Lord, for our people in our State who have been elected into this position and, Father, I pray Your blessing upon each one of them today.

Lord, may all the decisions be based upon truth and the authority that stems first of all from God's precious word, the Bible.

Father, I ask for Your direction and leadership in their decisions.

We thank You, Father, for the ministry of God, the Holy Spirit, that can work in our lives and instruct us to make the proper types of decisions that need to be made.

Thank You, Father, for our State. Thank You for each individual that is here.

Father, I pray Your blessing and leadership and direction throughout this afternoon in each of their lives.

Father, we pray for their families back home. We pray to protect them and strengthen them.

Father, we thank You for that great institution that You have ordained that can be the leader in all that we do.

Now, Father, bless each one here today, we pray, in Jesus' Name. Amen.

The PRESIDENT. The Chair thanks Doctor Pedrone, who is the guest this week of Senator Moore.

JOURNAL APPROVED

The PRESIDENT. 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 JUBELIRER, further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Senator JUBELIRER asked and obtained leave of absence for Senator HOPPER, for today and tomorrow's Session, for personal reasons.

Senator SCANLON asked and obtained leave of absence for Senator ROMANELLI, for the week, for personal reasons.

SENATOR ROSS TO VOTE FOR SENATOR MURRAY, SENATOR ZEMPRELLI AND SENATOR ANDREZESKI

Senator ROSS. Mr. President, I ask for a temporary legislative leave of absence for Senator Murray, who is meeting with some constituents on legislative matters, temporary legislative leave of absence for Senator Zemprelli, who is in the building meeting on legislative business. I have a letter from Senator Andrezeski, asking for legislative leave of absence from Session today to attend a very important legislative meeting in the Capitol Building. Senator Andrezeski expects to be here at 3:30 p.m. or so.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATION 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:

JUDGE, COURT OF COMMON PLEAS,
CENTRE COUNTY

May 29, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 11, 1981, for the appointment of Paul Reed McCormick, J.D., Skytop Farm, R. D., Port Matilda 16870, Centre County, Thirty-fourth Senatorial District, as Judge of the Court of Common Pleas of the Forty-ninth Judicial District of Pennsylvania, composed of the County of Centre, to serve until the first Monday of January, 1982, vice The Honorable Richard Sharp, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

**NOMINATION BY THE GOVERNOR
REFERRED TO COMMITTEE**

He also 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:

JUDGE, COURT OF COMMON PLEAS,
CENTRE COUNTY

May 29, 1981.

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 David E. Grine, Esquire, 141 Elm Street, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Forty-ninth Judicial District of Pennsylvania, composed of the County of Centre, to serve until the first Monday of January, 1982, vice The Honorable Richard Sharp, deceased.

DICK THORNBURGH.

GENERAL COMMUNICATIONS

LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

June 1, 1981

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1981 through May 29, 1981 inclusive for the 165th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
W. THOMAS ANDREWS
Secretary of the Senate
JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

**RESOLUTION OF THE STATE
OF TENNESSEE**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

HOUSE JOINT RESOLUTION NO. 196

By Whitson, Bivens, Robinson (Washington), Bewley

A RESOLUTION to honor those valiant Americans who served their country in Viet Nam.

WHEREAS, during the years of the Viet Nam conflict Tennessee was proud to uphold its tradition as the "Volunteer State" and hundreds of our young men and women joined other patriots from all across this country to protect the interests of the United States abroad; and

WHEREAS, it is with deep regret that the members of this General Assembly acknowledge the neglect suffered by all of the Viet Nam veterans, for while U.S. involvement in Viet Nam ended six years ago, the fighting and suffering for many goes on; and

WHEREAS, the time of public commendation for the outstanding services rendered by these brave individuals is long overdue; and

WHEREAS, the selfless devotion of these Americans under difficult and trying circumstances provides a model which is truly worthy of merit and respect; and

WHEREAS, Tennessee regards it as a high honor to initiate this effort to bring to the Viet Nam era veterans recognition and support which they so truly deserve; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That we hereby pause in our deliberations to honor those valiant Americans who served their country in Viet Nam.

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the presiding officers of the House and Senate of each of the forty-nine states, with the hope that they too may take appropriate steps to honor the Viet Nam veterans.

BE IT FURTHER RESOLVED, That copies of this Resolution be distributed among the major newspapers and radio and television stations in this state and also be released to the wire services.

ADOPTED: April 29, 1981

NED R. McWHERTER
Speaker of the House
of Representatives

JOHN WILDER
Speaker of the Senate

APPROVED this 7th day of May, 1981

LAMAR ALEXANDER
Governor

BILL INTRODUCED AND REFERRED

Senator STOUT presented to the Chair **SB 845**, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," amending a route in Charleroi Borough, Washington County.

Which was committed to the Committee on TRANSPORTATION, June 1, 1981.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, June 1, 1981.

RESOLVED (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 8, 1981 and when the House of Representatives adjourns this week it reconvene Monday, June 8, 1981.

CALENDAR

SPECIAL ORDER OF BUSINESS

HB 702 CALLED UP OUT OF ORDER

HB 702 (Pr. No. 1021) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 702 (Pr. No. 1021) — 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—41

Andrezeski	Holl	Messinger	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jubelirer	Murray	Singel
Corman	Kusse	O'Connell	Snyder
Early	Lewis	O'Pake	Stapleton
Fisher	Loeper	Pecora	Stauffer
Gekas	Lynch	Price	Street
Greenleaf	McKinney	Reibman	Tilghman
Hager	Manbeck	Rhoades	Wilt
Helfrick	Mellow	Ross	Zemprelli
Hess			

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.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of holding a meeting of the Committee on Rules and Executive Nominations at the rear of the Senate Chamber in the Rules Committee room to begin immediately.

Following the meeting of the Committee on Rules and Executive Nominations, I would ask the Republican Members of the Senate to report to the first floor caucus room for a Republican caucus, with the hopes of returning to the floor at 4:00 p.m.

Senator SCANLON. Mr. President, I would request all Members of the Democratic caucus to report immediately to the caucus room for the purpose of a Democratic caucus after the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, which will be followed immediately by Republican and Democratic caucuses, with the intention of returning to the floor by 4:00 p.m., the Chair declares the Senate in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

HB 227 and SB 409 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 712 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND FINAL PASSAGE

HB 187 (Pr. No. 1674) — Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator PRICE. Mr. President, I move that House Bill No. 187 revert to the form it was in under Printer's No. 1673.

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

Senator PRICE. Mr. President, the effects of this reversion would be to leave the bill in the state it was when the amendments of the gentleman from Montgomery, Senator Greenleaf, were approved and that would mean that residency would be imposed in Philadelphia and Pittsburgh but only in the future, only prospectively, and that any current employee of either of those districts would be unaffected.

Senator SCANLON. Mr. President, I would like to urge my fellow Members to support the motion to revert to the prior printer's number.

Traditionally, over the last several years in the school district of Pittsburgh the issue of residency has been negotiated as a part of the labor contract. Several weeks ago we passed a bill permitting Pittsburgh and Philadelphia to impose residency requirements in the future rather than affecting teachers who now live in those cities. Very reluctantly the City of Pittsburgh's School District has agreed to this and will accept it. If we revert to the prior printer's

number, it will permit Pittsburgh and Philadelphia to require residency of their school teachers in the future only.

Mr. President, I urge the Members to vote "yes" on the motion to revert to the prior printer's number.

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

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

Senator ANDREZESKI. Mr. President, on the vote to revert, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator HANKINS. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR BODACK

Senator ZEMPRELLI. Mr. President, Senator Bodack is off the floor meeting with constituents. I would request a temporary legislative leave for the purpose of voting for him while he is absent.

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

Senator ZEMPRELLI. Mr. President, before recording the roll call, I have some confusion as to how the gentleman from Allegheny, Senator Bodack, would want to be voted on this issue and I would ask the gentleman's vote be stricken to indicate that he is not voting on the issue.

The PRESIDENT. Senator Bodack's vote will be stricken.

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

YEAS—26

Corman	Lewis	Price	Snyder
Early	Lincoln	Rhoades	Stapleton
Fisher	Lloyd	Ross	Stauffer
Gekas	Lynch	Scanlon	Street
Hager	Manbeck	Shaffer	Tilghman
Jubelirer	Moore	Smith	Zemprelli
Kusse	Murray		

NAYS—20

Andrezeski	Hess	McKinney	Pecora
Bell	Holl	Mellow	Reibman
Greenleaf	Howard	Messinger	Singel
Hankins	Kelley	O'Connell	Stout
Helfrick	Loeper	O'Pake	Wilt

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

The PRESIDENT. The Senate now has before it House Bill No. 187, Printer's No. 1673.

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

SENATOR JUBELIRER TO VOTE FOR SENATOR HAGER AND SENATOR MOORE

Senator JUBELIRER. Mr. President, Senator Hager and Senator Moore were just called off the floor on legislative business. I would request a temporary legislative leave for the purpose of voting them if they are still off the floor at the time the of the next roll call.

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Price.

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

Senator PRICE. I will, Mr. President.

Senator KELLEY. Mr. President, since the gentleman from Philadelphia, Senator Price, was the one who successfully made the motion to revert to this present Printer's No. 1673, and he spoke those remarks in support of that motion that we would then have the content of the bill which appears on page 3 exempting school districts of the first class and first class A, would the gentleman please give me the reasons why he supports the concept of allowing two school districts in this Commonwealth to be able to require residency requirements and not having the same rights and privileges granted in all of them?

I suppose rhetorically, Mr. President, the question could be stated differently in the sense that what is the legitimate distinction in the Constitution between the different classifications here? Why should not this doctrine one way or the other apply universally and consistently throughout the Commonwealth?

Senator PRICE. Mr. President, as was discussed in previous debate, the impact, in my view, of eliminating a residency requirement in these two districts goes well beyond the issue of school district employees. A number of us believe by the Legislature changing that requirement for those two school districts, it would encourage, in fact undermine, home rule as it respects residency requirements for municipal employees in both those districts. Although residency requirements have been upheld in those two communities for municipal employees, that was only in a Supreme Court dictum, and was only in the instance where they are uniformly applied. By undermining through a change in the Legislature of residency requirements for school district employees, a number of us feel this would in turn put those residency requirements for municipal employees in jeopardy in those two communities.

Senator KELLEY. Mr. President, I can only say the response to the question does not convince me. It would appear if I represented a district that was a suburban county to Philadelphia, I would resent the fact that school teachers in the City of Philadelphia could not live in my county, whether it be Montgomery, Delaware, Bucks, Chester and, likewise, in the western part of the province. What I am saying is there is no legitimate basis. We should have in this case the same rule applying universally throughout the Commonwealth and there is no justification for distinction in this case.

In conclusion, Mr. President, I see no distinction whatsoever to satisfy the Constitution that there is a legitimate classification here. This doctrine should apply either requiring residency to all the school districts in the Commonwealth or none of them. I urge a negative vote, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—37

Andrezeski	Jubelirer	Messinger	Singel
Bodack	Kusse	Moore	Snyder
Corman	Lewis	Murray	Stapleton
Early	Lincoln	O'Connell	Stauffer
Gekas	Lloyd	Price	Stout
Greenleaf	Loeper	Rhoades	Street
Hager	Lynch	Ross	Tilghman
Helfrick	Manbeck	Scanlon	Wilt
Hess	Mellow	Shaffer	Zemprelli
Holl			

NAYS—10

Bell	Howard	O'Pake	Reibman
Fisher	Kelley	Pecora	Smith
Hankins	McKinney		

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.

BILLS OVER IN ORDER

SB 361, 406, 496, 529, 532, 725 and HB 1043 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 261, SB 316 and 589 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 681 (Pr. No. 708) — The bill was considered.

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

MOTION TO LAY BILL ON THE TABLE

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 681, Printer's No. 708, be laid on the table.

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

Senator ZEMPRELLI. Mr. President, the issue before us is the matter of tabling Senate Bill No. 681 and I should like to address myself to that within the confines of the Rules—

The PRESIDENT. The Chair would remind the gentleman that the motion to lay a bill upon the table is not debatable.

Senator ZEMPRELLI. It is not debatable, however, Mr. President, I should like to address myself to the matter of the motion for tabling as such and the reason for opposing it.

The PRESIDENT. The Chair would remind the gentleman any debate on this motion is not permissible under Senate Rules.

Senator ZEMPRELLI. Mr. President, until such time as you have heard what the gentleman has to say, you would not be able to be in a position to say whether it was argument on the motion or a reason to vote against the motion.

Mr. President, I might suggest it in this way, what would happen to the Public Utility Commission by way of an interrogatory to the Chair or anybody else that would wish to handle it if this bill is tabled? Mr. President, I might answer that question like the gentleman from Philadelphia, Senator Street, did once in the House. The Public Utility Commission would be out of business, Mr. President. If that is the intent of this bill, I should suggest we would vote against tabling Senate Bill No. 681.

The PRESIDENT. The gentleman's remarks are not in order at this time.

PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, assuming the motion passes in the affirmative, will the bill appear on the Calendar as being on the table?

The PRESIDENT. No, the bill will not appear on the Calendar.

Senator KELLEY. Mr. President, then it would be impossible to have that bill called from the table and considered at any time, until such time as a Calendar would be updated to have it appear on the Calendar to be in further conformance with the Senate Rules. I would, therefore, ask the gentleman who made the motion if he would be so kind as to put an amendment on it that it would then appear—or I will make the motion, as a supplement thereto, that it be laid on the table and appear on the Calendar on the next day as being on the table.

Senator JUBELIRER. Mr. President, I think the normal procedure in the Senate has been when it is on the table, we move to take it off the table and I think that has been the situation. I think the unfortunate misconception of what we are doing with Senate Bill No. 681 is trying to avoid an amendment fight today amid the budget fight.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Is the gentleman in order, Mr. President?

Senator KELLEY. Mr. President, as a matter of consistency and just being one observer, it would appear to me a point of parliamentary inquiry is to be addressed by the Chair. Any Member who is participating in the substance of the issue as the gentleman from Blair, Senator Jubelirer, was, seems to me consistently he would be out of order if the gentleman from Allegheny, Senator Zemprelli, was not in order.

The PRESIDENT. The Chair responds to the gentleman's point of parliamentary inquiry. It would be improper for the bill to appear on the Calendar as tabled. However, if the gentleman would like the bill to be considered at any time, a motion to bring it from the table can be entertained at any time by the Senate.

Senator KELLEY. Mr. President, a further point of parliamentary inquiry.

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state his point.

Senator KELLEY. Mr. President, assuming the motion to lay on the table passes in the affirmative, in subsequent Sessions this bill would not appear on the daily Calendar until it was called from the table?

The PRESIDENT. That is correct.

Senator KELLEY. And it could not be considered, therefore, Mr. President, under the Senate Rules on the same day it was called from the table because it would not appear on the Calendar. My question was if the maker of the motion would request or make the substitute request that we amend the motion so the bill if it is laid on the table will appear on the Calendar as a bill on the table.

Mr. President, this gentleman will object to the consideration immediately on this bill being called from the table until such time as it appears on the Calendar.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION TO LAY BILL ON TABLE WITHDRAWN

Senator JUBELIRER. Mr. President, I withdraw the motion to lay Senate Bill No. 681 on the table.

And the question recurring,

Will the Senate agree to the bill on second consideration?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, the issue raised by the gentleman from Westmoreland, Senator Kelley, was a clear and concise one. I am thirsting for the answer and that is, when a motion is made, is it not in order to amend that motion by making a motion to amend, whether it be a motion to table or not?

The PRESIDENT. There being no motion in front of the Senate at the moment for the gentleman to raise a point of order on, I assume the gentleman has a point of parliamentary inquiry to which the Chair would be happy to respond.

Senator ZEMPRELLI. Mr. President, whatever form it takes.

The PRESIDENT. It is proper to amend a motion.

And the question recurring,

Will the Senate agree to the bill on second consideration?

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 681 go over in its order.

The PRESIDENT. Without objection, the bill will go over in its order.

BILLS OVER IN ORDER

HB 61, 106, SB 147, 197 and 319 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 359 (Pr. No. 362) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 530 and 531 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 622 (Pr. No. 639) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 680, 710, 711, 712, 719 and 784 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

CLARITY IN REFERENCE TO SB 681

The PRESIDENT. The Chair would reverse its reply to the gentleman's point of parliamentary inquiry in which he said that it is proper to amend a motion. In this case a motion to lay upon the table is not amendable as constituted by the Rules of the Senate and would inform the gentleman from Allegheny that he misspoke.

HB 712 CALLED UP

HB 712 (Pr. No. 1672) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

HB 712 (Pr. No. 1672) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

PRICE AMENDMENTS

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

Amend Sec. 201, page 11, line 3, by striking out "4,829,000" and inserting: 4,329,000

Amend Sec. 201, page 20, line 5, by striking out "32,339,000" and inserting: 34,539,000

Amend Sec. 201, page 26, line 26, by striking out "4,000,000" and inserting: 3,000,000

Amend Sec., 201, page 28, line 1, by striking out "\$14,036,000" and inserting: \$13,536,000

Amend Sec. 201, page 28, line 2, by striking out "9,800,000" and inserting: 9,600,000

On the question,

Will the Senate agree to the amendments?

Senator PRICE. Mr. President, the purpose of these amendments are to add to line 5, on page 20, of House Bill No. 712, Printer's No. 1672, \$2,200,000 and the category in that place is known as approved private schools. Coincidentally, also to delete sums from other line items in the same budget bill totaling \$2.2 million.

Mr. President, the Department of Education has responsibility for thirty-nine Pennsylvania approved private schools, which educate handicapped children who are not able to be educated in the public school system. These thirty-nine schools serve handicapped children who are labeled as either deaf, blind, afflicted with cerebral palsy or muscular dystrophy, those who are mentally retarded, have brain damage or who are categorized as emotionally disturbed, approximately 5,000 of Pennsylvania's most seriously impaired of the approximately 250,000 Pennsylvania children who need special education.

Two years ago this General Assembly passed an act known as Act 11 of 1979, which allows the so-called four State chartered schools, two educating blind children and two educating deaf children, to negotiate their budgets with the Department of Education. As a result, those programs have continued and have done exceedingly well.

At the time Act 11 was enacted, reimbursement allowances for the remaining thirty-five approved private schools were increased but on a per capita basis, in other words, only depending on the handicapped and whether or not the student was residential or a day student. Since 1979, that allowance has been increased once but under the Act is not in for an increase in the next budget year. By adding this amount of money to that line item, which incidentally represents no increase from the current fiscal year, the Department of Education, if we pass another bill which is now in the Committee on Appropriations, Senate Bill No. 82, we will be able to make sure these fiscally sound programs in these thirty-five approved private schools will continue uninterrupted for these approximately 5,000 students.

In short, Mr. President, these amendments will do four things. They will help meet the Federal Law, Act 94-142, which requires a free appropriate education. It will make sure that we do not have a two-tier system in Pennsylvania in terms of funding for those who are deaf and blind and those who have other severe handicaps. It will allow the Department of Education to, in effect, reward those programs that are doing exceedingly well by making sure only those which the Department approves are entitled to reimbursement and it will be for that reason, very, very cost effective.

For these reasons, Mr. President, I ask that the Senate agree to vote for these amendments just offered.

Senator LEWIS. Mr. President, I wholeheartedly concur with the efforts of the gentleman from Philadelphia, Senator Price, to provide full and adequate funding for the approved private schools. The gentleman is well aware of the fact I have cosponsored a bill with him to accomplish that objective.

One of the amendments I have prepared in anticipation of this budget review would in fact add the \$2.2 million that are necessary to provide that full and adequate funding. Mr. President, my concerns come with regard to the four different items that the gentleman from Philadelphia, Senator Price, proposes to cut funding in order to free the funds the gentleman proposes we increase here for the private schools. I note the gentleman proposes a half million dollar decrease in the Nursing Home Loan Sinking Fund and the gentleman proposes a \$1 million decrease in the tort claims funding to pay the obligations of the Commonwealth arising from tort liability, that the gentleman proposes to decrease by a half million dollars the general government funds that are being allocated to the Department of Labor and Industry and that he proposes to decrease by \$200,000 the monies available to pay for occupational disease payments.

Mr. President, I did not hear the gentleman discuss the reasoning and the rationale behind those cuts.

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

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

Senator PRICE. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman from Philadelphia, Senator Price, describe why he is cutting \$500,000 from the Nursing Home Loan Sinking Fund?

Senator PRICE. Mr. President, in order to be entirely accurate and responsible about suggesting cuts, which is difficult in any budget where we are asking that more money be added to another, what I did was analyze the actual expenses in the fiscal years 1978 and 1979 as those expenses related to the appropriation. I discovered, for example, in the Nursing Home Loan Agency, there was a spending increase in 1979-1980 over 1978-1979, of approximately just under twenty per cent. In projecting that forward as to the appropriation for the current fiscal year, there was no lapse. Taking the same projected spending for 1981-1982, I project a lapse for my own calculation purposes of approximately \$718,000.

I admit, Mr. President, this is an imprecise way of doing it but I can stand here at least and say there is a rationale behind this suggested decrease. It relates to the last two years in which we have full figures, 1978-1979, 1979-1980.

Senator LEWIS. Mr. President, is the gentleman aware that sinking funds are related to direct obligations and expenditures of the Commonwealth?

Senator PRICE. I am, Mr. President.

Senator LEWIS. Mr. President, has the gentleman communicated with the Budget Secretary to determine why the initial \$4.829 million figure was projected as the cost expenditures this Commonwealth would incur in the next fiscal year?

Senator PRICE. I have not, Mr. President. However, if it turns out that is an obligation we would have to support, I would be prepared to offer a deficiency appropriation bill for that amount.

Senator LEWIS. Mr. President, I thank the gentleman with regard to that item and I would like to continue to interrogate him with respect to the other items in just a moment.

Mr. President, let me make the observation that from all of the information we have available from the projections by the Budget Department, the full \$4.829 million is absolutely essential to meet the required obligations of this Commonwealth. I believe an attempt to diminish that fund is purely an arbitrary cut that is designed to achieve an appearance of providing dollars to support a worthwhile cause, when in fact it should be apparent to all who observe that area there clearly will be a deficiency that will continue as an obligation of this Commonwealth and it will have to be paid at some time before the fiscal year concludes.

Senator LEWIS. Mr. President, would the gentleman continue to stand for interrogation with regard to the tort claim items?

Senator PRICE. Certainly, Mr. President.

Senator LEWIS. Mr. President, the gentleman from Philadelphia, Senator Price, has reduced the tort claims payments by some twenty-five per cent, \$1 million over that which has been proposed by the Budget Office. Would the gentleman be kind enough to explain how he has arrived at those figures?

Senator PRICE. Mr. President, the only figures we have so far relate to the year 1979-1980. Of course, that was when this reserve was being set up in anticipation of tort claims against the Commonwealth. Approximately ninety per cent of that amount lapsed. This is a projection that we cannot possibly get to \$4 million by this next fiscal year.

Senator LEWIS. Mr. President, did the gentleman discuss this matter with anyone in the Department of General Services in reaching his conclusion that we will not need the \$4 million for next year?

Senator PRICE. Mr. President, no, I have not. Again, if this were to be insufficient to meet the claims against the Commonwealth, we would have an obligation to do so and to correct that deficiency in this General Assembly.

Senator LEWIS. Mr. President, we specifically questioned the Secretary of the Department of General Services in the hearings of the Committee on Appropriations with regard to the tort claim funds, having made notations as the gentleman from Philadelphia, Senator Price, did, that the monies allocated in the previous years did not seem to be consumed. They described at length for us the fact that there is a time delay in the processing of applications and they now have many claims before them. Some of the smaller ones are being disposed of by agreement, some of the larger ones are beginning to make their way through the courts. It was the clear testimony that was given to our committee by the Department of General Services, that this \$4 million was absolutely essential in order to meet the claims that are going to be forthcoming and that, in fact, they anticipated the need for dramatic increases in those funds in the years that are ahead.

Mr. President, I would again suggest what the gentleman is suggesting is really an illusion with respect to savings or the production of dollars for funding a needed item.

Again, Mr. President, would the gentleman stand for interrogation with respect to the cut to the Department of Labor and Industry?

The PRESIDENT. Will the gentleman from Philadelphia, permit himself to be further interrogated?

Senator PRICE. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman explain why he has reduced the general government funding for the Department of Labor and Industry by half a million dollars?

Senator PRICE. Mr. President, as I explained earlier, each of these suggested reductions are based on what was actually spent as compared with the appropriation asked for in the years 1978-1979 and 1979-1980. Averaging the increase of spending in those two years comes to approximately 2.6. I applied that increase to the actual expenses of the last year for which we have final figures, ended with projected spending for the end of this fiscal year and did the same for the next fiscal year and projected a lapse of approximately \$1 million.

Again, Mr. President, I admit this is an imprecise way of doing it, but there is a rationale if these expenses are increasing at that rate, and I stand by that statement, Mr. President.

Senator LEWIS. Mr. President, is the gentleman aware general government monies are used in large part to pay the salaries of the employees within the department?

Senator PRICE. I am, Mr. President.

Senator LEWIS. Mr. President, is the gentleman aware the Commonwealth entered into an agreement whereby the salaries of all of the employees who are represented by the union will be increased by eight per cent next year?

Senator PRICE. I am aware of that, Mr. President, but I am also aware there is an effort being made to reduce the number of employees in all government operations, and I would assume this is no exception.

Senator LEWIS. Mr. President, has the gentleman discussed this proposed cut with the Secretary of the Department of Labor and Industry?

Senator PRICE. I have not, Mr. President.

Senator LEWIS. Mr. President, with regard to this item let me point out the appropriation for this department for last year was \$14.1 million. The Governor's recommendation for the appropriation for the 1981-1982 fiscal year is even less than the amount of money that was allocated last year, notwithstanding the fact there is an eight per cent increase in salaries that must be paid. The Governor's recommendation being \$14,036,000. The gentleman from Philadelphia, Senator Price, is proposing we reduce that by yet another half million dollars.

Mr. President, I believe the impact upon the department in light of those statistical realities is going to be severe. I might point out in the course of the hearings of the Committee on Appropriations with the Department of Labor and Industry, we questioned them about the lapse that appeared to be immi-

ment for this fiscal year. The Secretary explained to us that because of that anticipated lapse, his request for funding of the department came in at the number that was lower than that which was actually allocated for the previous year.

Mr. President, I might suggest to the gentleman from Philadelphia, Senator Price, the Secretary already computed that factor into his calculations and they have already been anticipated in the reduced amount which he now seeks to even further reduce.

Mr. President, would the gentleman stand for interrogation with regard to the final reduction that he proposes?

Senator PRICE. I certainly will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman explain to us how he has arrived at the calculation of reducing the allocation for occupational disability payments by some \$200,000?

Senator PRICE. Mr. President, in the two previous years to which I have referred the actual expenses have been far in excess under the actual amount appropriated. In fact, the average for those two years is 18.5 percent. If you project that out for the two years there would a projected lapse of roughly \$601,000 for the fiscal year 1981-1982. What I am suggesting is \$200,000 of that could be used for the transfer to the approved private school line item.

Senator LEWIS. Mr. President, has the gentleman discussed this reduction with the Secretary of the Department of Labor and Industry?

Senator PRICE. I have not, Mr. President.

Senator LEWIS. Mr. President, is the gentleman aware the Reagan Administration has currently proposed much more severe standards for Federal occupational disease payments?

Senator PRICE. Mr. President, I was not aware of that.

Senator LEWIS. Mr. President, I would make the observations that again the Secretary of the Department of Labor and Industry has advised us they have, notwithstanding the lapses in the prior year, attempted to calculate what their obligations are going to be for the forthcoming year and believe the \$9.8 million is the essential amount. I might point out that in light of the stiffening of the requirements and the tests by the Federal government there is the very clear anticipation there will be a significant increase in the number of applicants for State benefits because they will be denied the benefits from the Federal government.

With all of those things in mind, Mr. President, as I said initially, I believe the objective of the amendments are worthwhile ones and we should, in fact, be fully funding the needs of the approved private schools. I think the gentleman's approach in attempting to make cuts in other areas certainly leaves a tremendous amount of room for challenge. I believe the cuts are improper; I believe there are many other areas within the budget where a rearrangement of priorities can make available the dollars that we need and I believe through the course of the fight on these amendments, we will be recommending various changes in those priorities.

Mr. President, with the principal objective in mind, and that is to provide the money for the approved private schools, I would urge a favorable vote for that purpose with the under-

standing that some of the cuts should, in fact, be restored in favor of alternative priorities at a future time in the fight on these amendments.

Senator TILGHMAN. Mr. President, it will not be my intention to bore my colleagues with many words this evening. It is probably going to be a long night and a long day tomorrow, but I think it is important for some of us to realize exactly what is taking place. If we did listen to the questioning of the gentleman from Bucks, Senator Lewis, and the gentleman from Philadelphia, Senator Price, the gentleman objected to cutting a million dollars out of the tort claims payment which is Sequence No. 362 in the budget. The gentleman intimated this cut could not be effective or should not be effective. However, I have a copy of the gentleman's amendments, in which he proposes striking \$2 million. The gentleman from Philadelphia, Senator Price, struck \$1 million from the \$4 million. The gentleman from Bucks, Senator Lewis, has amendments to reduce the tort claims by \$2 million, although he seemed to be saying that \$1 million was too great a cut and I assume the gentleman from Bucks, Senator Lewis, will not be offering those amendments later on this evening.

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

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

YEAS—47

Andrezeski	Holl	Mellow	Shaffer
Bell	Howard	Messinger	Singel
Bodack	Jubelirer	Moore	Smith
Corman	Kelley	Murray	Snyder
Early	Kusse	O'Connell	Stapleton
Fisher	Lewis	O'Pake	Stauffer
Gekas	Lincoln	Pecora	Stout
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	Lynch	Rhoades	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck	Scanlon	

NAYS—0

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 third consideration, as amended?

STREET/PRICE AMENDMENTS

Senator STREET, on behalf of himself and Senator PRICE, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 10, line 19, by striking out "35,607,000" and inserting: 34,107,000

Amend Sec. 201, page 31, line 12, by striking out "723,000" and inserting: 2,223,000

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

Senator STREET. Mr. President, these amendments are being offered on behalf of the gentleman from Philadelphia, Senator Price, and myself. We want to amend Section 201, page 31, line 12, by striking out "\$723,000" and inserting: \$2,223,000. Mr. President, by passing these amendments they would restore the \$1.5 million that was cut from the community legal services.

Senator LEWIS. Mr. President, would the gentleman describe for us where the \$1.5 million is coming from that he proposes to use to fund the legal services?

Senator STREET. Mr. President, yes. Section 201, page 10, line 19, by striking out "35,607,000" and inserting: 34,107,000.

Senator LEWIS. Mr. President, will the gentleman tell us what that represents?

Senator STREET. Mr. President, that represents the land and water development.

Senator LEWIS. Mr. President, the Land and Water Development Sinking Fund?

Senator STREET. Yes, Mr. President.

Senator LEWIS. Mr. President, do I understand that is an obligation handled by the Department of Environmental Resources? Has the gentleman discussed this matter with the Secretary of the Department of Environmental Resources?

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

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

Senator STREET. No, I will not, Mr. President.

The PRESIDENT. He will not, Senator.

Senator LEWIS. Mr. President, during the course of that lull, we have been able to identify the item and have noticed it is a reduction of \$1.5 million from the Department of Environmental Resources proposed allocation to meet its obligation with regard to Land and Water Development Sinking Funds.

Mr. President, I do not know what kind of economics we are looking at here and certainly a phrase used in the last campaign comes to my mind when I believe we are starting to see some "voodoo" economics here. It seems to me people are trying to suggest we are cutting monies from departments that have absolute obligations to meet payments for interest and principal on bonds. These are not discretionary funds that we are talking about. These are numbers that have been carefully calculated by the Budget Department and, I am certain, in conjunction with the Department of Environmental Resources. We are talking about obligations that this Commonwealth has to pay and I do not know who we think we are kidding by suggesting that we can just arbitrarily cut out monies from these kinds of obligations to give the appearance that we are providing the funding for other worthwhile areas.

Mr. President, I certainly question the economic soundness behind this, notwithstanding the fact the allocation to the Department of Community and Legal Services is a worthwhile one which I happen to support. I believe, Mr. President, what we are seeing is something of a cavalier attitude toward the

entire handling of the development of the monies we need to properly fund the services from this Commonwealth. I think this type of an approach is going to have to come back and the individuals who are recommending these types of cuts certainly should be held accountable for the problems that are going to be created for this Commonwealth because of it.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President, just as long as the battery in my hearing aid holds out or I turn it off. Go ahead.

Senator ZEMPRELLI. Mr. President, would the gentleman advise as to whether or not by cutting the bond appropriation on these amendments there will be a deficiency of \$1.5 million in meeting the obligations of the Commonwealth with respect to the amortization of the bond and the debt service on those bonds?

Senator TILGHMAN. I don't know, Mr. President. We would have to recalculate when the time comes. I do notice though that the gentleman from Bucks, Senator Lewis, has amendments to do the exact same thing that these amendments do, to put the Community Legal Services money back. I do not see any cuts in the gentleman's amendments but maybe he would take care of that later. I cannot answer the gentleman's question.

Senator ZEMPRELLI. Mr. President, the gentleman speaks with forked tongue. We are talking about the amendments before us now which would give \$1.5 million to Legal Aid, which many of us would like to support provided it is a very responsible move and my interrogatory is a simple one and I will restate it in a different fashion.

Mr. President, was the amount that was in the Governor's proposal in the budget before us a figure that was calculated on the amount of monies needed to amortize the bonds in question, together with the debt service without any additional funds for reserve or for any other purpose? Stated another way, Mr. President, will we be \$1.5 million short in paying off our bonds and our debt service if, in fact, the amendments of the gentleman from Philadelphia, Senator Street, are passed?

Senator TILGHMAN. Mr. President, I answered with three words before. I don't know. I will answer with four now. I do not know. I have not studied the sinking fund that closely and if there is a problem with it, we will address it later on.

Senator ZEMPRELLI. Mr. President, does the gentleman believe that it is significant to know whether this Commonwealth is going to meet its obligations on its bonds and debt service prior to providing additional funds for any purpose?

Senator TILGHMAN. Mr. President, the question was do I think it is significant that we know?

Yes, Mr. President, but it is not an impossible situation to take care of at a later date. The hearing aid batteries are getting limp.

MOTION TO DIVIDE QUESTION

Senator ZEMPRELLI. Mr. President, I would move that we separate the issues with respect to the amendments and that is to submit to the Senate for consideration that portion of the amendments that apply to the appropriation of the monies for the neighborhood Legal Services Fund as a separate matter. In terms of technicalities, I move to divide the issue and to submit to the issue as its first consideration, "Amend Sec. 201, page 31, line 12, by striking out '723,000' and inserting: 2,223,000."

The PRESIDENT. The question before the Senate is, will the Senate agree to the motion to divide the question?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Is it not, Mr. President, right to have the issue divided and it is not a motion for consideration by the Senate but rather to have the issues determined at the request and motion?

The PRESIDENT. The gentleman will restate his point.

Senator ZEMPRELLI. My point is, Mr. President, that the issue of my motion should be submitted and not the issue as to whether the issue should be divided. I am raising that as a point of order.

The PRESIDENT. Was it not the gentleman's motion to divide the amendments?

Senator ZEMPRELLI. And to have considered that portion of the amendments, Mr. President, which provide, "Amend Sec. 201, page 31, line 12, by striking out '723,000' and inserting: 2,223,000."

The PRESIDENT. The question before the Senate is, will the Senate agree to the motion to divide the amendments and consider amending Section 201, page 31, line 12, by striking out \$723,000 and inserting: \$2,223,000.

The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, it might help the evening's festivities and all the sidebar conferences if anybody and everybody would look at the clear language of Title 34, Division of Question, Section 1, which seems to be clear and precise language.

The PRESIDENT. Senator Zemprelli has moved the amendments be divided and moved the Senate consider the second part of the amendments first. Is there objection to the division of the amendments? The Chair hears none.

The motion was agreed to.

The PRESIDENT. The question before the Senate is, will the Senate agree to adopt the amendment which reads: "Amend Sec. 201, page 31, line 12, by striking out '723,000' and inserting: 2,223,000?"

On the question,

Will the Senate agree to the amendment?

Senator TILGHMAN. Mr. President, the gentleman from Allegheny, Senator Zemprelli, asked me earlier if there was money in this sinking fund to allow this cut. I told him I did not know if there was and that was correct. Since that time and during this past recess, I was talking to the staff here and we received from the Budget Office a revised estimate of certain budget items.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is the gentleman in order with respect to the motion that is before the Senate at this time?

The PRESIDENT. The gentleman's comments are not in order with regard to the amendment that is before the Senate at this time, which is purely on the second part of the original amendments, that is: "Amend Sec. 201, page 31, line 12, by striking out '\$723,000'..." in other words, the legal services amendment rather than the sinking fund aspect of the amendments. His comments would be in order on the second one concerning the second part of the amendments.

The question before the Senate is, will the Senate agree to the second part of the divided original amendments?

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—47

Andrezeski	Holl	Mellow	Shaffer
Bell	Howard	Messinger	Singel
Bodack	Jubelirer	Moore	Smith
Corman	Kelley	Murray	Snyder
Early	Kusse	O'Connell	Stapleton
Fisher	Lewis	O'Pake	Stauffer
Gekas	Lincoln	Pecora	Stout
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	Lynch	Rhoades	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck	Scanlon	

NAYS—0

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

The PRESIDENT. The question recurs, will the Senate agree to the amendment, "Amend Sec. 201, page 10, line 19, by striking out '35,607,000' and inserting: 34,107,000?"

On the question,

Will the Senate agree to the amendment?

Senator TILGHMAN. Mr. President, I was confused on the other amendment I was talking on. The revised figures staff just gave me a minute ago show in the Land and Water Sinking Fund they have reduced the requirements by \$1,350,000. They originally needed \$35,600,000 and they now need \$34,257,000, so it is a reduction of \$1,350,000 which is a

\$150,000 different figure from the total of the amendment of the gentleman from Philadelphia, Senator Street. I think on that basis, Mr. President, we should support this cut.

Senator LEWIS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, the gentleman said this is just revised information he received. Would he be kind enough to identify the source of that information?

Senator TILGHMAN. Mr. President, I received it from Secretary Wilburn of the Office of Budget and Administration. We received it this morning. I had not seen it until five minutes ago.

Senator LEWIS. Mr. President, I have not seen that information either and that is why I was interested in having the gentleman identify it for me. I do note, notwithstanding the revised estimate, it still is not sufficient to meet the amount the gentleman from Philadelphia, Senator Street, proposes to reduce from that appropriation. I certainly hope we are simply not going to look at an item of \$150,000 and decide this is close enough for government work and, therefore, we might as well go ahead and adopt the amendment anyhow because it is in the general ballpark. I think even with this revised information, it is still clear the proposal for a reduction goes beyond the needs of this sinking fund to meet the principal and interest requirements for the Commonwealth and, therefore, should be defeated.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—27

Bell	Helfrick	McKinney	Smith
Corman	Hess	Manbeck	Snyder
Fisher	Holl	Moore	Stauffer
Gekas	Howard	O'Connell	Street
Greenleaf	Jubelirer	Price	Tilghman
Hager	Kusse	Rhoades	Wilt
Hankins	Loeper	Shaffer	

NAYS—20

Andrezeski	Lincoln	Murray	Scanlon
Bodack	Lloyd	O'Pake	Singel
Early	Lynch	Pecora	Stapleton
Kelley	Mellow	Reibman	Stout
Lewis	Messinger	Ross	Zemprelli

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

And the question recurring,

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

SHAFFER AMENDMENT

Senator SHAFFER, on behalf of himself and Senators SCANLON, ROSS, FISHER, JUBELIRER, STOUT, SINGEL, KELLEY, EARLY, MELLOW, BELL, PECORA,

STAUFFER, LOEPER, PRICE, O'CONNELL, HELFRICK, GREENLEAF and BODACK, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 33, by inserting between lines 2 and 3: No funds shall be used for the establishment of a system for the periodic inspection of the emissions or emission systems of motor vehicles.

On the question,

Will the Senate agree to the amendment?

Senator SHAFFER. Mr. President, my amendment is one sentence and I think even though we are pressed for time here tonight, I would like to read it. It says simply, "No funds shall be used for the establishment of a system for the periodic inspection of emissions or emission systems of motor vehicles." I would like to add I am very happy this amendment enjoys great bipartisan support from the gentleman from Allegheny, Senator Scanlon; the gentleman from Beaver, Senator Ross; the gentleman from Allegheny, Senator Fisher; the gentleman from Blair, Senator Jubelirer; the gentleman from Washington, Senator Stout; the gentleman from Cambria, Senator Singel; the gentleman from Westmoreland, Senator Kelley; the gentleman from Allegheny, Senator Early; the gentleman from Lackawanna, Senator Mellow; the gentleman from Delaware, Senator Bell; the gentleman from Allegheny, Senator Pecora; the gentleman from Chester, Senator Stauffer; the gentleman from Delaware, Senator Loeper; the gentleman from Philadelphia, Senator Price; the gentleman from Luzerne, Senator O'Connell; the gentleman from Northumberland, Senator Helfrick; the gentleman from Montgomery, Senator Greenleaf; and the gentleman from Allegheny, Senator Bodack.

Mr. President, on May 20, 1981, Federal Judge Louis Bechtle ordered the Commonwealth of Pennsylvania, against its better judgment, against the better judgment of many experts, and even against the better judgment of the Federal Environmental Protection Agency, to begin on November 1st a controversial system of auto emissions inspection and maintenance in twelve Pennsylvania counties. This order stemmed from a consent decree originally entered into by the Commonwealth back in 1978 jointly with the Environmental Protection Agency and the Delaware Valley Clean Air Council.

As I said, Mr. President, my amendment enjoys bipartisan support and I would be seriously remiss in my remarks were I not to note for all of those here that I am well aware the gentleman from Allegheny, Senator Zemprelli, the gentleman from Allegheny, Senator Scanlon, the gentleman from Beaver, Senator Ross, as well as many others on both sides of the aisle have fought diligently over the years to relieve Pennsylvania motorists of the burden of auto emission inspection. In fact, virtually every political figure of any consequence in the State of Pennsylvania today has come out on record against the controversial emission and maintenance program.

Mr. President, I am not going to belabor the issue. I could talk for hours. I have collected 14,000 signatures from Butler Countians alone protesting the implementation of this program. I filed a lawsuit at personal expense to prohibit its

implementation and I have written to virtually every Federal Legislator, the Environmental Protection Agency and others, including the President of the United States, voicing my concerns that this program is a disaster.

In my opinion not only is it a disaster, Mr. President, but it is a cruel hoax on the motoring public of the Commonwealth. May I point out very briefly that heavy-duty trucks and buses as well as all diesel vehicles are exempt from the Judge's order. Furthermore, no imperial data exists whatsoever to prove the auto emission inspection program will in any way better the quality of air in many of the nonurban counties in Pennsylvania. There is, however, clear and convincing evidence that the inspection program, including the replacement and the sophisticated repair of catalytic converters and other emission parts of a vehicle, can be enormously expensive, running into the hundreds of dollars.

Mr. President, at a time of rising automobile prices, skyrocketing insurance costs for automobiles and zooming gasoline expenses, we can ill afford to levy onto Pennsylvania motorists another costly and unproven system of regulation.

I would further submit, Mr. President, the amendment will cost the taxpayers of the Commonwealth not one cent. In fact, the Department of Transportation informs me the cost of implementing the program will be \$1.3 million, so therefore, it is obviously safe to assume by not implementing it at least \$1.3 million in Commonwealth funds will have been saved. That does not include, of course, the tens of hundreds of thousands of dollars which will be required by inspection stations all over this Commonwealth if they are to proceed with the November 1st target date.

In short, Mr. President, the auto emissions inspection program is a costly, bureaucratic boondoggle foist on the Pennsylvania car owner by the Federal bureaucracy and a Federal Judge.

Mr. President, I ask for bipartisan support for the passage of this amendment to prohibit the auto emission inspection program in Pennsylvania.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I note that the gentleman's amendment with the impressive bipartisan support bears the date of June 1, 1981, and that an amendment submitted to the gentleman's caucus by the gentleman from Allegheny, Senator Scanlon, and myself, under date of May 27, 1981, bears the exact same language to the decimal.

Mr. President, is the gentleman aware of that as a fact?

Senator SHAFFER. Mr. President, the amendment of the gentlemen bears the date of when?

Senator ZEMPRELLI. May 27, 1981 and bears Amendment No. 1747, Mr. President.

Senator SHAFFER. No, Mr. President, I am not aware of that.

Senator ZEMPRELLI. Mr. President, was the gentleman not made aware of the fact that the amendment he is

proposing here is the same identical amendment that the gentleman from Allegheny, Senator Scanlon, and myself, submitted to the gentleman's caucus for approval some time ago before the gentleman reduced his to writing?

Senator SHAFFER. No, Mr. President, I am not aware of that. I was not aware of the amendment of the gentlemen until about three hours ago.

Senator ZEMPRELLI. Mr. President, the gentleman is aware of it now, is he not?

Senator SHAFFER. Mr. President, I am.

Senator ZEMPRELLI. Mr. President, the gentleman was aware of it three hours ago?

Senator SHAFFER. Approximately, Mr. President.

Senator ZEMPRELLI. Mr. President, a number of prominent people had indicated to me the highest form of flattery is to copy one. I want to be very careful not to suggest sour grapes or poor loser or any of those matters because I would say in summation after hearing the gentleman that I am glad he agrees with me. I say that in that fashion, Mr. President, because I would feel somewhat less than on top of this problem if I were to say I agree with him, because that is not the situation.

Mr. President, I would remind the gentleman and I would remind every Member of this Body we are stooping to a new low when we pirate, and I use the word "pirate" in every sense of the definition in Webster's, an amendment that is submitted as a courtesy rule to the caucus for consideration.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, I do not believe the statements of the gentleman properly relate to the amendment before us. I do not believe they should be considered a proper topic for discussion at this time.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The point is well taken. The gentleman will confine his remarks to the substance of the amendment.

Senator ZEMPRELLI. Mr. President, I would suggest in keeping with the Chair's ruling, I would have to agree with the gentleman that his amendment, which is exactly in form and substance to one submitted to the Republican caucus under Amendment No. 1747 on May 27, 1981, is an amendment in good order and worthy of consideration.

Mr. President, I would also consider in the future, with respect to amendments generally, I am going to ask my caucus not to submit amendments to the Republican caucus for consideration if this is the kind of thing that is going to happen.

The PRESIDENT. The gentleman will keep his remarks to the amendment under question. The gentleman may conclude his remarks.

Senator ZEMPRELLI. Mr. President, the whole process of amendments I think is one that depends upon a gentlemanly process to their consideration. I see no reason why this

amendment should not have been considered in the same light. I am sad to say, Mr. President, that it has not.

Mr. President, I will support this amendment. I would not sponsor it because I feel as though this has just been a horrendous practice and a sad day for the Senate of Pennsylvania.

The PRESIDENT. The gentleman will please confine his remarks to the substance of the amendment.

Senator SHAFFER. Mr. President, I would only add the similarity of the legislation may do in some measure at least to prove the point that great minds run in the same vein. I requested the Legislative Reference Bureau—

The PRESIDENT. The gentleman will confine his remarks to the substance of the amendment.

Senator BELL. Mr. President, I speak very strongly for this amendment because I think this very same Chamber has passed resolutions to this effect on more than one time in the past. This is something that irritates people from my county, it is not something that just came up on May 27th or June 1st, it has been here. It has threatened many of our motorists with excessive costs. As I say, Mr. President, it is my recollection we have passed similar resolutions but not amendments to the appropriation bill in the past.

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

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

YEAS—47

Andrezeski	Holl	Mellow	Shaffer
Bell	Howard	Messinger	Singel
Bodack	Jubelirer	Moore	Smith
Corman	Kelley	Murray	Snyder
Early	Kusse	O'Connell	Stapleton
Fisher	Lewis	O'Pake	Stauffer
Gekas	Lincoln	Pecora	Stout
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	Lynch	Rhoades	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck	Scanlon	

NAYS—0

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

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

TILGHMAN, AMENDMENT

Senator TILGHMAN, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 19, line 15, by striking out all of said line and inserting:

open: Provided further, That no school district shall receive an increase in basic instructional subsidy in Commonwealth fiscal year 1981-1982 which is more than \$4,919,000 greater than the amount received as basic instructional subsidy in the Commonwealth fiscal year 1980-1981.....1,544,000,000

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

Senator TILGHMAN. Mr. President, this is an amendment that deals with the basic instruction subsidy Sequence No. 180 and the hold harmless provision Sequence No. 180.1. I talked to the Department of Education earlier today and there is a probability that approximately 380 school districts in the State, that is to say those districts not affected by hold harmless, would lose money if the legislation passed without the English of this amendment.

Mr. President, very briefly, it simply states that school districts will not receive less than they received last year. The hold harmless provision protects a small number of school districts. This amendment will protect the other 380 odd school districts in the State.

REQUEST FOR RECESS

Senator ZEMPRELLI. Mr. President, I am sorry to say again that we in the Democratic caucus did not have the advantage of this amendment until after we had caucused. I understand the gravity of this amendment. I understand there is \$11,800,000 the City of Philadelphia is to get from the \$50 million that is presently appropriated that was not contemplated and I understand the adoption of this amendment would limit by capping the amounts of money that go to the City of Philadelphia that may otherwise rightfully be due them, by capping it at \$4,919,000.

Mr. President, it is important the Members of my caucus understand the importance of this particular amendment and I am respectfully requesting a Democratic caucus for the period of time it takes for us to clearly, concisely and with detail understand the full impact and meaning of this amendment and how it affects the revision of the ratio formula as it would single out the City of Philadelphia.

Mr. President, that is coming from somebody that never lived in the City of Philadelphia.

May we now have a caucus, Mr. President?

Senator EARLY. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

The PRESIDENT. Prior to the interrogation the request is for a recess for caucus. Will the gentleman defer his request while Senator Early interrogates Senator Tilghman?

Senator ZEMPRELLI. Mr. President, I will accommodate the gentleman and yield to his request.

Senator EARLY. Mr. President, will we be given before we are asked to vote on this particular budget a printout indicating how much our school districts will receive after this amendment is passed?

Senator TILGHMAN. Mr. President, I asked the Department of Education for that printout around the lunch hour. I was told it would be hand carried to my office. I have not received it. As soon as I get it, anybody else can have it. I do not have it now but I am certainly trying to get it. It is relative to the hold harmless and relative to the other 380 school districts.

Senator EARLY. Mr. President, the hold harmless is one I believe we have accurate information, and I would like to have similar information dealing with this particular amendment so we know just what our school districts will receive.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, is the gentleman willing to at least withdraw his amendment until each of us has had an opportunity to determine the impact upon our relative school districts as it would affect this amendment if adopted.

Senator TILGHMAN. No, Mr. President. The amendment has been offered and it is up for consideration.

Senator ZEMPRELLI. Mr. President, I would then ask for a recess of the Senate until such time as we can discuss this amendment in its entirety.

Senator JUBELIRER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

The PRESIDENT. Will the gentleman from Allegheny, Senator Zemprelli, permit himself to be interrogated?

Senator ZEMPRELLI. I will, Mr. President.

Senator JUBELIRER. Mr. President, will the gentleman advise how long he anticipates his caucus will take?

Senator ZEMPRELLI. Mr. President, the difficulty with being able to tell the gentleman how long it will take is the fact it involves \$11,800,000 to the City of Philadelphia in an appropriation that is capped at \$50 million. That, Mr. President, in turn impacts upon every school district in the State of Pennsylvania if the provision that is presently in the budget, relating to grandfathering or providing a minimum or a ratio to every school district at a particular percentage.

Mr. President, that in turn pushes additional school districts within that provision so that it is a double blast that reduces the amounts of money that would otherwise go to these other school districts that are looking for an appropriation. We are being asked to vote on an appropriation of which none of us know how much money is going to our relative school districts.

Mr. President, that is of such a serious nature that I am unable to predict how long this recess for a caucus would last.

Senator JUBELIRER. Mr. President, I am not sure the gentleman answered my question. I still do not know when the gentleman wants to come back. I think the rumors I keep hearing over there, we are going to be out two, three hours. If that is the case, I think we would have some serious objection. If the gentleman wants to go to his caucus for a half-hour caucus to go over this, I think that would be a reasonable request. We would like to deal with these amendments as soon as we can. I know the gentleman from Bucks, Senator Lewis, has a considerable amount of amendments to offer. We are intending to carry forth the budget process this week. We are trying to accommodate all the Members and we certainly want to accommodate the Minority Leader on his request.

Mr. President, we believe it should not be a long process.

Senator ZEMPRELLI. Mr. President, I would suggest if the gentleman is willing to hold his amendments until tomorrow, there is no need for any recess for caucus.

Senator JUBELIRER. Mr. President, that is not our intention. We intend to go through the amendment process. This is a matter of vital importance to the hold harmless school districts as the gentleman from Allegheny, Senator Early, has alluded to, and I believe that the gentleman from Montgomery, Senator Tilghman, has indicated to him that we will have a printout as quickly as possible on this. Those who are affected by the provision will understand just how it will affect their districts. I believe we have to deal with it at this time.

The PRESIDENT. Is there an objection to the request for a recess by Senator Zemprelli?

Senator JUBELIRER. May we be at ease, Mr. President?

Senator ZEMPRELLI. Mr. President, there has to be some reason why the Majority Leader wishes us to vote on this amendment before we have wisdom. We need wisdom by seeing a printout. We are not getting the benefit of that printout, Mr. President, and again I would request a recess of the Senate for the purpose of a Democratic caucus so that we all can appreciate the impact of this amendment upon our various school districts, even if that impact is to know that we do not know.

Senator JUBELIRER. May we be at ease, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

REQUEST FOR RECESS

Senator JUBELIRER. Mr. President, I request that the Senate recess until 7:20 p.m. this evening, one half hour from now.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is the gentleman's motion in order as long as my motion is before the Senate.

The PRESIDENT. Neither gentlemen have proffered a motion before the Senate.

RECESS

Senator JUBELIRER. Mr. President, I move the Senate recess until 7:20 p.m. this evening.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. The Senate will stand in recess.

AFTER RECESS

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

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

Senator TILGHMAN. Just a final word, Mr. President. I would hope this amendment would pass to protect the some 380 school districts that might lose money if this amendment failed.

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LLOYD. Mr. President, would the gentleman indicate what led to this particular amendment, what financial developments regarding the budget led to the offering of this particular amendment?

Senator TILGHMAN. Mr. President, does the gentleman mean the reason for offering the amendment?

Senator LLOYD. Yes, Mr. President.

Senator TILGHMAN. The amendment is being offered, Mr. President, because there was a lot of talk around in this building today that some of the school districts or many of the school districts in the State might lose a portion of the \$50 million. I have no particular proof of that. There was talk Philadelphia was going to come in with a change in their figures from the April printout and that is what would cost the school districts the amount of dollars we are talking about. Therefore, this amendment was offered as a safety factor.

Senator LLOYD. Mr. President, if any of the other 504 school districts had submitted increases that exceeded their estimates, would that have induced this type of amendment as well?

Senator TILGHMAN. It might have, Mr. President, but I do not think any of them would have come in with the large figures that are being talked about and, Mr. President, I have no proof of those figures, but they are talking roughly of \$11 million total, one way or another, approximately \$11 million. I do not think any of the other school districts would have reflected such large figures.

Senator LLOYD. Mr. President, the gentleman indicates these funds necessarily have to come from other school districts. Would it not be possible for us through examining our priorities closely, meeting the commitments that have been made in the past regarding actual expenditures for us, to meet the needs of Philadelphia here as well as the other school districts regarding their actual expenditures?

Senator TILGHMAN. Yes, Mr. President. We could always increase the dollar volumes in the budget on any single line item and, of course, with that if we get to a certain figure, we would have to increase the State income taxes, too.

Senator LLOYD. Mr. President, during the course of the budget process, instead of a \$50 million additional subsidy, say a \$70 or \$80 million subsidy for the sake of argument were approved, would that in fact also limit Philadelphia to this figure?

Senator TILGHMAN. I cannot answer that. I am sorry, I do not know, Mr. President.

Senator LLOYD. Mr. President, would the effect of this amendment do that?

Senator TILGHMAN. I do not know, Mr. President. I cannot tell the gentleman. That is supposition. I really do not know. I am not trying to be evasive.

Senator LLOYD. Mr. President, I would like to make a few comments on the issue, if I may.

Mr. President, I understand very, very clearly how difficult it is for Senators from around other parts of the State to be cast in a posture where they are perceived to be reducing the amount of funds for their school districts and allotting them to Philadelphia. That is not necessarily what is happening here. We have a process by which the school districts submit estimated expenditures at the beginning of the school year and then submit actual expenditures. In this instance, Philadelphia's actual expenditures greatly exceed their estimate which would normally—and is a very bothersome fact. However, when we look at the reasons for that, we find a couple of things. Mr. President, one of the reasons is closely related to the fact there was a school strike in Philadelphia and the cost of the pact with the teachers was not included in the estimated cost which was offered in the beginning of the year.

Secondly, Mr. President, Philadelphia has had an ongoing dispute with the Commonwealth on reimbursement of actual expenditures regarding special education. That ongoing dispute has not resulted in the payment of those actual expenditures. In order to try to at least get back some of the very badly needed monies, Philadelphia has had to include those special education expenses in their actual expenditures in order to at least get their ratio of those total expenditures, approximately fifty-six per cent or so.

Additionally, Philadelphia is faced with a unique set of problems here. Philadelphia has often come hat in hand to other Senators from around the State to help solve our educational problems. Currently there is an effort in the city by both the school board and the city council to deal very frugally with the problems with which we are faced.

For example, Mr. President, and I doubt very much if many people from around the State are aware of this, in the school board budget that was passed last week, it results in a reduction of expenditures over the original anticipated expenditures of between twenty and thirty per cent of some \$233 million. That converts into 3,400 layoffs of Philadelphia teachers—3,400 layoffs, the closing of twelve neighborhood schools. Not underutilized schools, Mr. President, not schools that are concentrated in rich areas or poor areas, but schools all across the City of Philadelphia that are vibrant parts of the neighborhoods in which they are located. This has caused substantial stress to the parents of the children who attend those neighborhood schools, to people of all races and financial strata within Philadelphia.

In addition, Mr. President, by reducing that budget by some \$233 million, there have been deep program cuts in Philadelphia. The point being that unlike in the past, we are not in a position in the Philadelphia schools where we have got a lot of fat, where we have got a lot of patronage money

loaded in there to keep everybody elected, where we have a lot of increases taking place in wages based solely on political considerations. We have a budget in which 3,400 teachers who negotiated a contract in good faith are going to lose their jobs, in which twelve schools are going to be closed and in which there will be deep programmatic cuts in the City of Philadelphia. In the past, for us to lose this \$11 million would have been able to be much more easily absorbed. That is simply not the case this time. We are not loaded up with the kinds of financial fat we once were. I think it is unfair for us to single out one school district in Pennsylvania, one school district for special treatment, not to be reimbursed on actual cost and I must stress here legitimate costs, not costs that have been the result of some back room wheeling or dealing, but costs that have been laid out clearly to the Commonwealth, that fit within the guidelines of what is fair and appropriate, proper and legal. We are faced with the fact where we have a shortage here of \$11 million and we have two choices, as we are being constantly told, we must either reduce expenditures from somewhere out of our Commonwealth's \$7 billion or we must increase expenditures by \$11 million. What we are doing is reducing the expenditures. I am not necessarily against reducing expenditures, but we are taking the whole problem and foisting it on Philadelphia. I am not quite sure that is fair. I do not think on the merits alone this amendment is fair. I think any potential viability of this amendment is a result of the fact that Philadelphia does not have the political muscle they once did. It is an issue that potentially will be decided on political muscle as opposed to the merits. I do not think that should be our role here. Mr. President, I ask everyone to please consider a "no" vote on this amendment.

I would just add one final thing, Mr. President. I am not sure there is not a constitutional question regarding the singling out of the Philadelphia School District here and limiting them to the total amount of increased subsidy regardless of what else happens in the budget process.

Mr. President, I thank you for the opportunity to present this case and I sincerely ask Members of both sides of the aisle to vote "no" on this particular amendment.

Senator ZEMPRELLI. Mr. President, the issue here is far greater than the City of Philadelphia, although it is the only one affected by this amendment. It goes to the root of the school subsidy formula as we would have it understood and applied for the various criteria that go into making up the reason why the State of Pennsylvania assists local school districts. We do not deal in estimates. We deal in actualities. When this amendment was introduced, it proposed to put a limit precisely on the amount of money that would go to Philadelphia, \$4,919,000. There was absolutely no question as to who had been singled out as the victim of the State's appropriation. We have to ask ourselves the question, why?

The answer is absolute, Mr. President, and the answer is not difficult to determine. Simply because there is approximately \$11,340,000 due the City of Philadelphia from the formula in place and in order to get rid of the baby, we throw her out with the bath water by amending the formula to apply to one school district out of all of the hundreds of school districts in the State of Pennsylvania.

Why, Mr. President? Because we passed taxes and we are determined not to increase those taxes but to do the very thing we were concerned about at the outset when we talked about putting taxes on before we came up with a budget. The other side of the aisle is determined that whatever it takes to make the figures fit into the taxes they have produced by revenue that is what they are going to do regardless of whether or not it is fair, unfair or how it would discriminate against people who have the right to an education.

Mr. President, I see the nodding of the heads on the other side to suggest an affirmation of that point of view. I am glad they at least admit to the fact that is their purpose and mine. I, however, do not equivocate about the constitutionality of the problem as suggested by the gentleman from Philadelphia, Senator Lloyd. It is clearly unconstitutional, because the root purpose for which we are here today is to augment the spirit and meaning of the Constitution and it provides for an equal education for all.

Mr. President, when we cap an appropriation because it is a matter of convenience, we have resorted to a form of government that is "expedient" and nothing else.

Mr. President, for that reason, I would ask each and every Member of this Senate to search his conscience and as one of your illustrious politicians in the past has said, "You know in your heart that I am right." I suggest to you that you know in your heart that I am right when I ask you to vote against this amendment.

Senator STREET. Mr. President, I am concerned about several things that were stated. I am concerned that until today Philadelphia was getting the appropriation that it should have gotten or would have gotten under the formula of which the gentleman from Allegheny, Senator Zemprelli, speaks. It seems like today there was an additional \$50 million identified from the City of Philadelphia that they underestimated in their original estimation. If that is correct, I would like to have some type of documentation from somebody who can actually show there is, in fact, a \$50 million deficit or are they, in fact, short \$50 million under the original estimate by which this original \$5 million that the school would have received had we not today discovered an additional \$50 million underestimate?

Mr. President, I might add the City of Philadelphia, the City Council of Philadelphia decided that it was going to fund the school with the same level this year as it funded the school system last year. If my figures are correct, that would add up to somewhere around \$3,500 to \$3,700 per student in that school district. I need from somebody, the gentleman from Philadelphia, Senator Lloyd, or somebody, some documentation that the City of Philadelphia is, in fact, an additional \$50 million short or is this something that was conjured up from somebody walking through the halls today, and they are not, in fact, \$50 million short and the original estimate was, in fact, the estimate. Does anybody have the information?

Senator LINCOLN. Mr. President, I suggest that the gentleman from Philadelphia, Senator Street, call the budget director of the school district, who seems to realize that they have to once at the end of the year submit information on

actual expenditures. I think he is going to find out when he talks to Mr. McQuaid that that figure is \$55 million above the estimates that were submitted in September.

It is a common practice, it is one that every school district goes through in Pennsylvania to submit estimates of their expenditures at the beginning of the year and everything done throughout the course of that school year from the Department of Education is based on those estimates. Once the school year is nearly completed, each school district must then file with the Department of Education actual expenditures and that is what they are paid on, actual expenditures. That is exactly what Philadelphia did. They submitted estimates, and to the best of our knowledge have now submitted actual expenditures which are in excess of \$55 million which bring about an increase of \$11,340,000 in subsidies under the formula which applies to every other school district in Pennsylvania.

Mr. President, I have not seen anything officially and I am really surprised that the Majority party in the Senate has not been apprised of whatever changes took place, especially since those changes deal with the most vital part of the budget that we are dealing with tonight. I have a hard time believing a Majority party in a Body as responsible as the Pennsylvania Senate could proceed with a \$7 billion budget when they do not even know what takes place in the most important part of that budget. The biggest amount of money being spent in that budget deals with school subsidies. I think if the gentleman from Philadelphia, Senator Street, would take time to call the budget secretary of his school district, he might be able to get that information.

Senator ZEMPRELLI. Mr. President, in further response to the gentleman, I would suggest to him the amendment is a cap. If there is no problem in Philadelphia with the expenditures going over the estimate, then the cap is meaningless. In any event, there is no reason to put on a cap, so the question of whether it is an estimate or actuality with relation to the amendment before us should not be the basis upon which we are predicating a vote. The fact is, in any situation it would place a cap upon the amount of money that would go to Philadelphia.

Senator STREET. Mr. President, in response to the gentleman from Philadelphia, Senator Lloyd, we have been in touch with the Budget Director of the Philadelphia Schools on numerous occasions. It is just somewhat mind baffling how men in such important positions can be so far off in their estimates when they are to run a school district.

Mr. President, I would submit it is probably because of that inefficiency and that inability to be able to estimate and count that Philadelphia is in the most serious condition it is in right now as far as their schools are concerned. What I am concerned about is what happened last week in Philadelphia. I live in Philadelphia. I am concerned about the fact that the school board filed a lawsuit to keep the City of Philadelphia from passing a budget. That lawsuit was denied. I am concerned about the fact that once the budget was passed, the school board went on and passed a budget. I believe if I am not wrong, what is happening here is we are now trying to

come up with a formula to add additional monies to make up that deficit that was caused by the passing of a school budget by the City of Philadelphia last week to raise somehow the amount of monies that come from Harrisburg to save those 3,400 jobs. If, in fact, the City of Philadelphia School District would have gotten the amount of money it hoped to have gotten from the City Council, I do not believe here today we would be coming up with an additional \$50 million that is short in the City of Philadelphia's budget.

Mr. President, I would hope at this point maybe somebody could come up with something a little more substantial than they have been able to come up with yet thus far, because I believe the additional \$50 million is arbitrary and was pulled out of the air by somebody in an effort to get additional monies from Harrisburg and cannot be substantiated.

Senator PRICE. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Lloyd.

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

Senator LLOYD. I will, Mr. President.

Senator PRICE. Mr. President, will the gentleman in round figures give us, please, the breakdown of the \$55 million extra expenses for which the city is seeking to include in the formula?

Senator LLOYD. Mr. President, as I had indicated initially, I wanted to take this opportunity to respond to the question of the gentleman from Philadelphia, Senator Street, as well. Initially, there were two basic sources that resulted in the actual expenditures exceeding the estimates. Those sources were the negotiations during the recent school strike and the placement of special education expenditures into these figures. There were approximately to the best of my knowledge, \$28 million added in as a result of the labor negotiations and \$24 million as a result of the special education.

Mr. President, let me add again the reason for placing that special education money in this category because in the past the City of Philadelphia's applications for actual expenditure reimbursement for special education has not been met by the Commonwealth of Pennsylvania and because the City of Philadelphia and the school board so desperately needed the money, they felt they would at least assure themselves of getting some of it by including it in these actual expenditure figures and getting a proportion of it.

Senator PRICE. Mr. President, I asked the gentleman when it became clear the contract settlement would change the figures upwards by \$28 million?

Senator LLOYD. Mr. President, I would imagine that became clear as the negotiations were concluded. What I honestly do not know is when those figures are due to the Commonwealth. As the gentleman from Montgomery, Senator Tilghman, indicated earlier, May 15th, it is my understanding, is the normal date for filing that, and as the gentleman indicated earlier, and I think accurately so, this whole issue just came to the forum today and no doubt the gentleman's amendment is in response to the fact this has become apparent.

Senator PRICE. Mr. President, in breaking down the \$55 million of extra cost, did it not become clear in September or early October at the latest, of 1980, that the \$28 million the gentleman referred to was included in that as a result of the contract settlement that was in fact fixed at that time?

Senator LLOYD. Mr. President, in the interest of accuracy, if it would be okay with the gentleman from Philadelphia, Senator Price, the gentleman from Bucks, Senator Lewis, has done some extensive work on this with his staff recently, and if it would be okay with the gentleman from Philadelphia, Senator Price, I would like to defer to the gentleman from Bucks, Senator Lewis, on that.

Senator LEWIS. Mr. President, I can provide some specific information with respect to the question of the gentleman from Philadelphia, Senator Price. The fact of the matter is that the number that we are now working with in terms of the actual expenses submitted by the City of Philadelphia in compliance with the May 15th date obligation is \$535 million. I give that item to the gentleman first, because I think it is important for him to know a year ago on the 29th of April, 1980, when the City of Philadelphia, when the school district first submitted its estimate of what its expenses were going to be for the school year that would follow, they suggested to the State their expenses would be \$545 million. It was the Department of Education here which in September of 1980 refuted that figure and told the School District of the City of Philadelphia they believed the expense was only going to be \$480 million. In fact, by the timing, by the figures that had been submitted, it appears clear the City of Philadelphia and the school district personnel anticipated as properly they should have the costs they were going to incur in that school year. It was the employees of the Department of Education of this Commonwealth that underestimated the real expenses. In fact, the \$535 million expense or \$533.4 million, which is the actual expense, came in at about \$11.5 million under the original estimate from the City of Philadelphia. It was this Commonwealth and the budget people in the Department of Education, for whatever reason, whether it was the inability to anticipate the costs of the settlement of the contract negotiations, or for whatever, who underestimated the actual expenses and have, therefore, put all of us in the predicament we face today.

Senator PRICE. Mr. President, we may differ as to the total amount of \$11.5 million that is in dispute today, but I am trying, and I will try once more, to break down the additional \$55 million into two components the gentleman from Philadelphia, Senator Lloyd, mentioned, \$28 million as a result of the contract settlement in September of 1980, and \$24 million plus for special education expenses. My question again, as to the first item is, was not the \$28 million a sum certain as of September or October of 1980 for inclusion within the final figures which the School District of Philadelphia was going to submit to the Department of Education under the subsidy formula?

Senator LEWIS. Mr. President, the gentleman is absolutely correct. That cost for special education was a sum certain, that was known and was anticipated. However, we have sepa-

rate refunding and reimbursement statutes that deal with special education and the gentleman may well recall those statutes obligate the Commonwealth to refund school districts at the level of 100 per cent of their special education costs over and above the basic subsidy formula.

Mr. President, I am sure the gentleman is also well aware that for a number of years this Commonwealth has failed and refused to provide 100 per cent funding for those special education classes for the School District of Philadelphia. As a result, as we moved into another budget period, when it became plainly evident to everyone there was not going to be 100 per cent funding, when this Commonwealth and this Administration continued to refuse to pay those legitimate expenses from the School District of Philadelphia, the Administration then decided rather than getting nothing, which is what they have been getting by trying to adhere to the law, they would at least submit those expenses as part of the regular operating costs that would then qualify for partial reimbursement under the formula.

Mr. President, the reason for the submission now at this point and the request for partial reimbursement is because this Administration and this Legislature has refused to provide the 100 per cent reimbursement to which the school district is entitled under applicable State law.

Senator PRICE. Mr. President, I take the gentleman's answer to indicate that yes, indeed, the \$28 million as a result of the contract settlement was known as of September or October of 1980. Clearly there should have been an obligation on the part of the school district to make sure that money was included in its estimate to the Department of Education for reimbursement under the formula. What we are left with is a dispute as to whether or not the Commonwealth owes that money for special education.

Mr. President, if that is the issue on which we are voting tonight, it seems to me we settled that one last fall as well, when there were unsuccessful attempts to override a veto of a bill which would have restored that money.

Senator STREET. Mr. President, I have followed the advice of the gentleman from Philadelphia, Senator Lloyd, and I have gotten the necessary information, I believe, this Senate would be interested in knowing about. The budget that was just passed by the Philadelphia School Board last week is a \$761 million budget and \$709 million is obligated, which leaves a \$51,117,145 surplus, \$8,900,000 which is obligated or reimbursible to the School District of Philadelphia. What we have is \$709 million that was obligated. We have 213,000 students in the school system which obviously would be \$3,329 per student to educate them in the Philadelphia School District.

Mr. President, I do not understand why today somebody comes up and talks about an additional \$50 million and the City of Philadelphia is going to lose some money. I think somebody in the City of Philadelphia, somebody in this school district, somebody who functions down there needs to start functioning with some integrity and come to the Senators much before the day they intend to pass the budget and let them know if there is a deficit or a surplus.

Senator JUBELIRER. Mr. President, I have listened intently to the debate. I think it has been a very healthy debate and I think one that has clearly given us some of the answers we have sought to find.

Mr. President, I think in the past the history of this Body and this General Assembly has been to feed the unfortunate habit of the City of Philadelphia not to be accountable but rather to go off as the one county in sixty-seven that seems to incur the expenses and the wrath of the rest of this State when they do not become accountable when every other county is asked to be accountable.

Mr. President, the first cap in the budget on Philadelphia was indeed the amount of money that was appropriated. I think that is a cap in and of itself. If the distinguished Minority Leader points to us and says we set the level of taxation and passed the tax bill much against the wishes of the Minority, then we stand behind it and say, "Thank goodness we did." Thank goodness we did, because if we had not, can you imagine what would be happening today with that tax situation open, with all the amendments that would be offered, with all the funding programs, with all the Philadelphia programs in the school district would want to take in this kind of a situation if we had not set the level of taxation. It was for that reason, Mr. President, we felt the responsible thing was to set the level of funding.

Mr. President, I believe it is unprecedented in modern times, at least to my knowledge, that a school district would be this far out of kilter, in excess of ten per cent. I believe it is unprecedented because I do not think there is any other school district in Pennsylvania that is even one per cent out of kilter, yet the City of Philadelphia comes to us and says we are over ten per cent out of kilter, and we in the General Assembly are to make that up for them, not just make it up but at the expense of some 380 school districts all over the Commonwealth of Pennsylvania.

Mr. President, I think the time has come to say "no" to that kind of a situation. I think the other school districts in this Commonwealth deserve a little better than that. I would urge a favorable vote, an "aye" vote on the amendment as offered by the gentleman from Montgomery, Senator Tilghman.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator LINCOLN. Mr. President, I think the Majority Leader implied in his speech there was some impropriety in the manner in which Philadelphia has submitted their actual expenses. Is that correct, Mr. President?

Senator JUBELIRER. Mr. President, I never said that it was anything other than irresponsible in the manner in which it was handled. I do not know how the gentleman defines impropriety. I did not say it was illegal or it was an irresponsible way to handle things.

Senator LINCOLN. Mr. President, as to the dollar amount submitted by the School District of Philadelphia, does the

gentleman question the accuracy or the validity of those dollar amounts?

Senator JUBELIRER. Mr. President, to my knowledge they have not submitted anything.

Senator LINCOLN. Mr. President, to the gentleman's knowledge they have not submitted anything?

Senator JUBELIRER. I think that is what I said, Mr. President.

Senator LINCOLN. Mr. President, in other words, is the Majority Leader of the Senate in advocating a budget we are passing and speaking in behalf of an amendment that would cap the amount the certain school district would be allowed to have, does not really know whether they have submitted any facts or figures yet, if they were irresponsible in that means and manner.

Senator JUBELIRER. Mr. President, I think there are a lot of rumors going around. I believe we have as much information available as we can at this time considering the rumors that we are taking steps certain. At this time, instead of getting into the usual reacting to all the crises this General Assembly seems to get into, we are trying to act before that crisis comes and place the responsibility where we think it belongs.

Senator LINCOLN. Mr. President, that leads me right into my next question. The Majority Leader says he is very pleased with the fact the Republican caucus picked a number out of the air that the Governor had put in his budget of \$50 million for increases in basic subsidy and they are going to stick with that number no matter how many times it looks like they should deviate from it.

Mr. President, let me show you something. This is a newspaper. I do not think you can read it from there, but the bold headlines say, "School District Hiked Fifteen Mills—Compromise Budget, Layoff of Twenty-Nine Teachers Gets Board Approval." I guarantee you, Mr. President, this is just one of hundreds and hundreds types of stories that are going out in this Commonwealth because the Majority did such a fantastic job of setting the tax limit in a dollar amount and saying no matter what happens, no matter how much damage is done in York County, in Blair County, in Fayette County, in the City of Philadelphia, this is what we are going to live with. We are doing a great job.

Mr. President, this amendment tonight has nothing to do with the problem we are dealing with. I have some amendments tomorrow that I will speak to a little bit further, but I guarantee, you, Mr. President, we are going to see that headline in our sleep over and over and over between now and the end of July.

Senator JUBELIRER. I think it is clear, Mr. President, that we do not want the school district of the gentleman from Fayette, Senator Lincoln, or any of the other school districts to go from fifteen to twenty mills or twenty-five mills because of what is happening in the City of Philadelphia. This amendment will preclude that from happening. I think it is clear, too, this amendment protects those school districts from any further intrusion or tax increases that would be unnecessary because of their irresponsibility.

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

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

YEAS—35

Andrezeski	Hess	Moore	Singel
Bell	Holl	O'Connell	Snyder
Corman	Howard	O'Pake	Stapleton
Early	Jubelirer	Pecora	Stauffer
Fisher	Kelley	Price	Stout
Gekas	Kusse	Reibman	Street
Greenleaf	Loeper	Rhoades	Tilghman
Hager	Manbeck	Ross	Wilt
Helfrick	Mellow	Shaffer	

NAYS—12

Bodack	Lincoln	McKinney	Scanlon
Hankins	Lloyd	Messinger	Smith
Lewis	Lynch	Murray	Zemprelli

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

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

Senator JUBELIRER. Mr. President, I request that House Bill No. 712 go over, as amended.

The PRESIDENT. Without objection, House Bill No. 712 will go over, as amended.

UNFINISHED BUSINESS.

**COMMUNICATION FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator LOEPER, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor, recalling the following nomination, which was read by the Clerk as follows:

**JUDGE, COURT OF COMMON PLEAS,
CENTRE COUNTY**

May 29, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 11, 1981, for the appointment of Paul Reed McCormick, J.D., Skytop Farm, R. D., Port Matilda 16870, Centre County, Thirty-fourth Senatorial District, as Judge of the Court of Common Pleas of the Forty-ninth Judicial District of Pennsylvania, composed of the County of Centre, to serve until the first Monday of January, 1982, vice The Honorable Richard Sharp, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

Senator LOEPER. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL**

May 6, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard H. Maurer, 1106 Country Club Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice W. Russell Faber, Harrisburg, resigned.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF PENNHURST CENTER**

May 12, 1981.

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 Steve J. Catranis, 321 North Lewis Road, Royersford 19468, Montgomery County, Nineteenth Senatorial District, for reappointment as a member of the Board of Trustees of Pennhurst Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE PLANNING BOARD

March 23, 1981.

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 Larry Keba, 20 Acacia Street, Hazleton 18201, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Planning Board, to serve until December 13, 1984, and until his successor is appointed and qualified, vice Harold Rosenthal, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

May 13, 1981.

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 Doctor H. Byron Showers, 1432 Mission Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Vincent H. Hoover, New Providence, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

May 13, 1981.

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 Kenneth W. Whitney, 1989 Park Plaza, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Mrs. Nancy B. Harclerode, Lancaster, whose term expired.

DICK THORNBURGH.

MEMBER OF THE INDIANA COUNTY
BOARD OF ASSISTANCE

May 13, 1981.

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 Franklin Daniel McGregor (Democrat), 701 High Street, Saltsburg 15681, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

May 12, 1981.

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 Dee Stelmach, DPM (Democrat), R. D. 11, Box 233, York 17406, York County, Thirty-first Senatorial District, for reappointment as a member of the York County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified.

DICK THORNBURGH.

DISTRICT JUSTICE

April 1, 1981.

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 Robert B. Failor, 716 Third Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of Cumberland, Class 1, District 01, to serve until the first Monday of January, 1984, vice Joseph Zedler, New Cumberland, removed.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

Senator LOEPER. Mr. President, I ask that the nominations be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

REPORTS FROM COMMITTEES

Senator STREET, from the Committee on Community and Economic Development, reported, as committed, **SB 74, 560 and 580**.

Senator MANBECK, from the Committee on Transportation, reported, as committed, **SB 457, 705, 714 and 726**; as amended, **SB 724**.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported without amendment, Senate Resolution, **Serial No. 42**, entitled:

Amending Senate Rule 16, Section 1.

He also, from the Committee on Rules and Executive Nominations, reported without amendment, House Resolution **No. 56**, entitled:

General Assembly memorialize President and Congress permit Conrail to make transition from Federal support to nonsubsidized, efficient, competitive entity.

The PRESIDENT. The resolutions will be placed on the Calendar.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Father Raymond J. Kulwicki by Senator Bodack.

Congratulations of the Senate were extended to Abbie A. Fisher and to Valerie A. Teplica by Senator Corman.

Congratulations of the Senate were extended to Central Dauphin East Junior High School by Senator Gekas.

Congratulations of the Senate were extended to George W. Tomlinson by Senator Greenleaf.

Congratulations of the Senate were extended to Alex H. Stewart by Senator Hopper.

Congratulations of the Senate were extended to Robert E. Laws and to the Pennsylvania Funeral Directors Association by Senator Jubelirer.

Congratulations of the Senate were extended to Sister M. Virginella Chisholm, SSJ by Senator Kusse.

Congratulations of the Senate were extended to Lieutenant Colonel Bruce E. Schmacker, Michael Nasevich and to Martin J. Snyder by Senator Mellow.

Congratulations of the Senate were extended to Barbara Berk and to Mrs. Louise M. Wagner by Senator Messinger.

Congratulations of the Senate were extended to Warner M. Deput by Senator O'Connell.

Congratulations of the Senate were extended to Joseph J. Gambucci by Senators O'Connell and Mellow.

Congratulations of the Senate were extended to Albert E. Reese, Jr. by Senator Snyder.

Congratulations of the Senate were extended to Dr. Edward K. Rogers and to The Reverend John O. Woods, D.D. by Senator Wilt.

CONDOLENCE RESOLUTION

The PRESIDENT 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 Leon Kolanowski by Senator O'Connell.

BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. 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 74, 457, 560, 580, 705, 714, 724 and 726.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

June 1, 1981.

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 Gurney F. Wagner, Sr. (Republican), 300 West Fourth Street, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Wilbur L. Kephart, Lock Haven, whose term expired.

DICK THORNBURGH.

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

June 1, 1981.

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 Dominic A. Zanella (Democrat), 654 East Main Street, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Mrs. Emma Yarrison, Loganton, whose term expired.

DICK THORNBURGH.

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 nonconcurrred in amendments made by the Senate to **HB 523**.

The PRESIDENT. The bill will be placed on the Calendar.

BILL SIGNED

The President (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bill:

HB 534.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 2, 1981

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 151 and House Bill No. 143)	Room 460, 4th Floor Conference Rm., North Wing
10:00 A.M.	AGING AND YOUTH (Public Hearing on Senate Bill No. 275)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M.	STATE GOVERNMENT (to consider House Bills No. 395, 456 and 497; Senate	Room 459, 4th Floor Conference Rm.,

Bills No. 383, 387, 541,
569 and 805) North Wing

WEDNESDAY, JUNE 3, 1981

9:30 A.M. URBAN AFFAIRS AND Room 459,
HOUSING (to consider 4th Floor
Senate Bills No. 81, 117, Conference Rm.,
384, 385, 797 and 802) North Wing

THURSDAY, JUNE 4, 1981

9:00 A.M. FINANCE (to review Senate Majority
to Senate Resolution No. 31) Caucus Room
4:00 P.M.

MONDAY, JUNE 8, 1981

9:30 A.M. ENVIRONMENTAL Senate Majority
RESOURCES AND ENERGY Caucus Room
(Public Hearing on Solar
Energy)

TUESDAY, JUNE 9, 1981

10:00 A.M. ENVIRONMENTAL Room 459,
RESOURCES AND ENERGY 4th Floor
(to consider House Bills Conference Rm.,
No. 163 and 638) North Wing

10:30 A.M. Legislative Reapportion- Senate Majority
ment Commission Caucus Room

11:00 A.M. JUDICIARY (to consider Room 461,
Senate Bills No. 178, 424, 4th Floor
439, 563, 579 and 588) Conference Rm.,
North Wing

11:00 A.M. FINANCE (to consider Room 460,
Senate Bills No. 748, 826 4th Floor
and House Bill No. 229) Conference Rm.,
North Wing

WEDNESDAY, JUNE 10, 1981

10:00 A.M. Special Senate Task Force Room 461,
to (Public Hearing to investi- 4th Floor
4:00 P.M. gate Retirement Homes and Conference Rm.,
Retirement Communities) North Wing

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 2, 1981, at 11:00 a.m., Eastern Daylight Saving Time.

Mr. President, I would mention to the Members who are in their offices we are going to be starting early. We hope to start promptly at 11:00 a.m. to continue the amendatory process on the budget.

Mr. President, I would further remind Members of the Senate the Secretary has announced the official photograph of the Senate will be taken at 1:00 p.m., and they should wear, as I think he said, "their best duds."

With those remarks, Mr. President, I would again renew my motion that we adjourn until Tuesday, June 2, 1981 at 11:00 a.m.

The motion was agreed to.

The Senate adjourned at 8:36 p.m., Eastern Daylight Saving Time.