

Legislative Journal

WEDNESDAY, JUNE 24, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 44

SENATE

WEDNESDAY, June 24, 1981.

The Senate met at 9:30 a.m., Eastern Daylight Saving Time.

THE PRESIDENT pro tempore (Henry G. Hager) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. W. THOMAS ANDREWS:

Dear Lord, we come before You most often asking for Your guidance and Your oversight.

Today let us be thankful. Let us as a Body be thankful for the ability of the Minority and Majority to work together.

Let us be thankful that the State budgetary problems have been worked out prior to the end of the fiscal year with the spirit of cooperation among the Members of this Senate which has prevailed over ill-feelings and hostility.

Let us be thankful for these things, O Lord, and grant us the ability to continue our thanks that we as a deliberative Body may work together in accomplishing the will of the people and Thy will, also. Amen.

JOURNAL APPROVED

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

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

LEAVE OF ABSENCE

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

SENATOR JUBELIRER TO VOTE FOR SENATOR BELL AND SENATOR STREET

Senator JUBELIRER. Mr. President, I request a legislative leave for a short time for Senator Bell, who is attending a meeting here in the Capitol on legislative business.

Senator Holl, is attending a task force hearing. I request a legislative leave of absence for him.

Also, Mr. President, I request a legislative leave of absence for Senator Street, who is with the Pennsylvania Department of Transportation in Philadelphia working on a bridge project. I assume that Senator Ross will ask for Senator Lincoln, Senator Lynch and Senator Smith. I have copies of those but I will let Senator Ross make those requests. Senator Holl is back.

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

SENATOR ROSS TO VOTE FOR SENATOR MELLOW, SENATOR LYNCH, SENATOR LINCOLN, SENATOR ZEMPRELLI, AND SENATOR EARLY

Senator ROSS. Mr. President, I request legislative leave for Senator Mellow. He has a mine inspection problem in his district.

I would also request legislative leave for Senator Lynch and Senator Lincoln, who had previously arranged meetings with their constituents on legislative matters.

Senator Zemprelli and Senator Early are in the area on legislative business. They should be here shortly. Mr. President, at this time I would request legislative leave for them, also.

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

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Committee on Appropriations will meet off the floor to consider House Bill No. 163.

The Committee on Transportation will meet off the floor to consider House Bill No. 305.

The Committee on Environmental Resources and Energy will meet off the floor to consider House Bills Nos. 1517 and 1519.

The Committee on Judiciary will meet off the floor to consider House Bill No. 581.

The Committee on State Government will meet off the floor to consider House Bills Nos. 383, 1057 and 1379.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate for a meeting of the Committee on Judiciary which will take place immediately in the Rules Committee room at the rear of the Chamber.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Judiciary in the Rules Committee room, the Chair declares the Senate in recess.

AFTER RECESS

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

RECESS

Senator JUBELIRER. Mr. President, I request a short recess of the Senate for the purpose of a meeting of the Committee on State Government which will take place immediately in the rear of the Senate Chamber in the Rules Committee room.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on State Government in the Rules Committee room, the Chair declares the Senate in recess.

AFTER RECESS

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

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Transportation, which will take place immediately in the Rules Committee room at the rear of the Chamber. All Members of the Committee on Transportation please go to the Rules Committee room at the rear of the Chamber immediately.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Transportation, which will convene immediately in the Rules Committee room at the rear of the Chamber, the Senate stands in recess.

AFTER RECESS

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

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate for a meeting of the Committee on Environmental Resources and Energy, which will take place immediately in the Rules Committee room at the rear of the Chamber. All Members of the Committee on Environmental Resources and Energy please go immediately to the Rules Committee room at the rear of the Chamber.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Environmental Resources and Energy, to be held in the Rules Committee room at the rear of the Chamber, the Senate stands in recess.

AFTER RECESS

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

BILLS REREFERRED

Senator FISHER, from the Committee on Environmental Resources and Energy, returned to the Senate, as committed, **HB 1517** and **1519**, which were rereferred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Senator O'CONNELL, from the Committee on State Government, reported, as committed, **HB 383**, **1057** and **1379**.

Senator GEKAS, from the Committee on Judiciary, reported, as committed, **HB 581**.

Senator MANBECK, from the Committee on Transportation, reported, as committed, **HB 305**.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations, which will take place immediately at the rear of the Chamber.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Appropriations, the Chair declares the Senate in recess.

AFTER RECESS

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate **SB 41**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS INTRODUCED AND REFERRED

Senators O'PAKE, ZEMPRELLI, GREENLEAF, LEWIS, PRICE, MOORE and SHAFFER presented to the Chair **SB 938**, entitled:

An Act authorizing the incurring of indebtedness, with approval of the electors, of \$50,000,000 for the repair, construction, reconstruction, rehabilitation and improvement of county prisons.

Which was committed to the Committee on JUDICIARY, June 24, 1981.

Senator KUSSE presented to the Chair **SB 939**, entitled:

An Act making an appropriation to the Department of Education for the Pennsylvania Conservation Leadership School at Stone Valley Recreation Area.

Which was committed to the Committee on APPROPRIATIONS, June 24, 1981.

Senators STOUT and ROSS presented to the Chair **SB 940**, entitled:

An Act making an appropriation to the Washington-Greene County Branch of the Pennsylvania Association for the Blind.

Which was committed to the Committee on APPROPRIATIONS, June 24, 1981.

Senator SINGEL presented to the Chair **SB 941**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of confidential registrations, fictitious driver's license or fictitious registrations.

Which was committed to the Committee on TRANSPORTATION, June 24, 1981.

Senators LOEPER and HESS presented to the Chair **SB 942**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limited Statewide police powers for municipal police officers and retaining certain immunities and benefits.

Which was committed to the Committee on JUDICIARY, June 24, 1981.

Senators ROSS, ANDREZESKI, MURRAY, LEWIS, MESSINGER, REIBMAN, O'PAKE, SCANLON and ZEMPRELLI presented to the Chair **SB 943**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for temporary special aid to certain school districts.

Which was committed to the Committee on EDUCATION, June 24, 1981.

Senators ROSS, ANDREZESKI, MURRAY, LEWIS, MESSINGER, REIBMAN, O'PAKE, SCANLON and ZEMPRELLI presented to the Chair **SB 944**, entitled:

An Act making an appropriation to the Department of Education for temporary special aid to certain school districts.

Which was committed to the Committee on EDUCATION, June 24, 1981.

Senators ROSS, MURRAY, MESSINGER, REIBMAN, O'PAKE and SCANLON presented to the Chair **SB 945**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the use of funds with respect to uranium mill tailings.

Which was committed to the Committee on LOCAL GOVERNMENT, June 24, 1981.

Senators ROSS, MURRAY, MESSINGER, ANDREZESKI, REIBMAN and O'PAKE presented to the Chair **SB 946**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the duration of certain liens.

Which was committed to the Committee on TRANSPORTATION, June 24, 1981.

Senators ROSS, HELFRICK, MURRAY, LEWIS, O'PAKE and STOUT presented to the Chair **SB 947**, entitled:

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

Which was committed to the Committee on APPROPRIATIONS, June 24, 1981.

Senators ROSS, MURRAY, LEWIS and O'PAKE presented to the Chair **SB 948**, entitled:

An Act making an appropriation to the Beaver County Epileptic Society.

Which was committed to the Committee on APPROPRIATIONS, June 24, 1981.

Senators ANDREZESKI, ROSS, HELFRICK, CORMAN, ROMANELLI, O'PAKE and WILT presented to the Chair **SB 949**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," creating the Pennsylvania Wine Development and Promotion Committee and defining its powers and duties.

Which was committed to the Committee on LAW AND JUSTICE, June 24, 1981.

Senators ANDREZESKI, ROSS, HELFRICK, CORMAN, ROMANELLI, O'PAKE and WILT presented to the Chair **SB 950**, entitled:

An Act amending the act of June 9, 1936 (1st Sp. Sess., P. L. 13, No. 4), entitled, as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; . . .," adding a special tax to support the wine industry.

Which was committed to the Committee on LAW AND JUSTICE, June 24, 1981.

Senators ANDREZESKI, ROSS, HELFRICK, CORMAN, ROMANELLI, O'PAKE and WILT presented to the Chair **SB 951**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for limited wineries.

Which was committed to the Committee on LAW AND JUSTICE, June 24, 1981.

Senators ANDREZESKI, ROSS, HELFRICK, CORMAN, ROMANELLI, O'PAKE and WILT presented to the Chair **SB 952**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for shipping of wine by limited wineries.

Which was committed to the Committee on LAW AND JUSTICE, June 24, 1981.

Senators ANDREZESKI, ROSS, HELFRICK, CORMAN, ROMANELLI, O'PAKE and WILT presented to the Chair **SB 953**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for retail outlets for limited wineries.

Which was committed to the Committee on LAW AND JUSTICE, June 24, 1981.

Senators MANBECK, JUBELIRER, BELL, O'CONNELL, HOPPER, STOUT, MOORE, HELFRICK, HOLL and SHAFFER presented to the Chair **SB 954**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," changing the rate and computation method for determining the gross receipts tax owed by electric and gas utilities.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 24, 1981.

Senators GEKAS, CORMAN, MESSINGER, PECORA, MANBECK, REIBMAN, O'CONNELL, ANDREZESKI and SHAFFER presented to the Chair **SB 955**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for joint acquisition or construction of an electric light plant or project by a borough with another borough or another entity empowered to supply electricity, and further providing for the creation of municipal power agencies.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 24, 1981.

Senators WILT, ZEMPRELLI, CORMAN, FISHER, EARLY, STOUT, HELFRICK, SHAFFER and REIBMAN presented to the Chair **SB 956**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the selling or otherwise dealing in pelts of dogs or cats.

Which was committed to the Committee on JUDICIARY, June 24, 1981.

Senators WILT, EARLY and HESS presented to the Chair **SB 957**, entitled:

An Act requiring all health insurance policies to provide coverage for full treatment of congenital orofacial anomalies.

Which was committed to the Committee on BANKING AND INSURANCE, June 24, 1981.

Senator ZEMPRELLI presented to the Chair **SB 958**, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," authorizing recommendations of a method for appointment of members of authority boards.

Which was committed to the Committee on LOCAL GOVERNMENT, June 24, 1981.

Senators ZEMPRELLI, HAGER, SCANLON, JUBELIRER, MURRAY, O'PAKE, KELLEY, LYNCH, HANKINS and STAUFFER presented to the Chair **SB 959**, entitled:

An Act authorizing certain statements of a court regarding grand jury investigations.

Which was committed to the Committee on JUDICIARY, June 24, 1981.

Senators MCKINNEY and HANKINS presented to the Chair **SB 960**, entitled:

An Act making an appropriation to the Edith R. Rudolph Residence for the Blind, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 24, 1981.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 625**, which was referred to the Committee on Game and Fisheries.

CALENDAR

SB 195 CALLED UP OUT OF ORDER

SB 195 (Pr. No. 1046) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 195 (Pr. No. 1046) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

RECESS

Senator JUBELIRER. Mr. President, at this time I request a brief recess of the Senate for the purpose of holding a Republican caucus in the Rules Committee room at the rear of the Chamber to begin immediately and with every hope and intention of limiting that caucus to one-half hour and coming back to the floor at 12:30 p.m.

Mr. President, we recognize that because of the printer failing to deliver the Calendars and the bills on time, we were delayed an hour. Recognizing that many of the Members have made plans in their districts to meet with constituents and

other groups, we are going to make every effort to keep to that. The Members who want to get lunch are going to have to come and go as they can because we want to begin on the Calendar at 12:30 p.m. promptly.

Senator SCANLON. Mr. President, I urge all of the Democratic Members to proceed immediately to the caucus room and I guarantee we will be ready to go at 12:30 p.m.

The PRESIDENT pro tempore. For the purpose of a Republican and Democratic caucus, which are to take place in the Rules Committee room and in the Minority caucus room at the rear of the Chamber, respectively, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1244**, which was referred to the Committee on Game and Fisheries.

He also presented for concurrence **HB 1414**, which was referred to the Committee on Judiciary.

He also presented for concurrence **HB 538** and **539**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 556**, which was referred to the Committee on Transportation.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 132**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

CONSIDERATION OF CALENDAR RESUMED

**BILLS ON CONCURRENCE
IN HOUSE AMENDMENTS**

BILLS OVER IN ORDER

SB 133, 134 and 140 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

HB 22 TAKEN FROM THE TABLE

Senator JUBELIRER. Mr. President, I move that House Bill No. 22, Printer's No. 22, be taken from the table and placed on the next day's Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 22 will be placed on the next day's Calendar.

CONSIDERATION OF CALENDAR RESUMED

**BILLS ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 269 (Pr. No. 1061) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 269.

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

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

YEAS—44

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

NAYS—2

Hess	Snyder
------	--------

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

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

SB 316 (Pr. No. 1059) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 316.

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

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

YEAS—46

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 458 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

LEAVE OF ABSENCE

Senator SCANLON asked and obtained leave of absence for Senator O'PAKE, for today's Session, for personal reasons.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 7 (Pr. No. 1082) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 926 (Pr. No. 1037) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator SCANLON. Mr. President, I would request a slow roll call on this bill and remind the Members of the Senate this is an appropriation for the family planning services which was the subject of an amendment yesterday.

SENATOR JUBELIRER TO VOTE FOR SENATOR HOLL

Senator JUBELIRER. Mr. President, Senator Holl reminded me before we came up that he would be at a bill signing discussion and ceremony in the Governor's Office and I request legislative leave for him.

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

And the question recurring,
Shall the bill pass finally?

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

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

Senator JUBELIRER. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman indicate whether it is the gentleman's intention to run the next bill on the Calendar, House Bill No. 1290, today?

Senator JUBELIRER. Yes, Mr. President.

Senator LEWIS. Mr. President, is it not a fact that the \$350,000 for family planning services is still in House Bill No. 1290 as it was amended yesterday?

Senator JUBELIRER. Mr. President, that is correct. We have them in both bills because we have been uncertain as to what determination the House of Representatives would make and, therefore, it is our intention to run both bills. House Bill No. 1290, I believe, has further amendments placed in it by this Body, as well as the family planning bill.

Senator LEWIS. Mr. President, my concern is one that is directed toward the funding of the family planning services. I supported that amendment yesterday and will continue to do so for the legitimate intentions of funding this agency. My concern, however, is if, in fact, we pass not only House Bill No. 1290 but also Senate Bill No. 926, we may well create a situation in the House that will provide an excuse for not taking action on House Bill No. 1290, through the use of the argument that since a separate Senate bill has been sent to that Chamber it ought to be the vehicle for the funding, and we may then see a failure or refusal to approve the amendments inserted into House Bill No. 1290 by the Senate for the purpose of trying to eliminate the family planning money and using the excuse that a separate vehicle has been transmitted.

Mr. President, my concern is in our desire or with our intention to try to use alternative means to provide the funding we may, in fact, be defeating the objective and the purpose by unwittingly providing an excuse to defeat the appropriation. With that concern in mind it would seem to me we might be better advised to simply go over Senate Bill No. 926, to keep it on our Calendar in case the need arises for further consideration and instead to merely send House Bill No. 1290 back to the other Chamber and hope they will concur in the amendments that have already been placed in that bill.

MOTION FOR BILL OVER IN ORDER

Senator LEWIS. Mr. President, if it is appropriate at this time, I would then like to move we go over Senate Bill No. 926 in its order, if that motion is in order at this time.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, may we be at ease a minute?

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

MOTION WITHDRAWN

Senator LEWIS. Mr. President, I will withdraw my motion requesting Senate Bill No. 926 go over in its order.

And the question recurring,

Shall the bill pass finally?

Senator KELLEY. Mr. President, the concerns of the gentleman from Bucks, Senator Lewis, is the fact that Senate Bill No. 926 contains \$350,000 for the same issue of which House Bill No. 1290 also contains \$350,000. The gentleman from Bucks, Senator Lewis, has apprehensions that by passing the two it may be used by the other Body to not fund it at all.

Mr. President, I have just the other extreme thought. It seems to me since the Majority Leader has indicated that we are going to consider for final passage House Bill No. 1290, containing the same amount of money for the same purposes as the present bill, Senate Bill No. 926, it puts each Member of this Body in the position of voting twice for the same substance. I have known on occasion we have all participated knowingly in some irresponsible act or conduct but I believe this one would be indefensible for any of us to participate. It seems to me that those who would support the money for family planning must make a single choice and that is either to vote in the affirmative for Senate Bill No. 926 and vote against it in a division of the question or otherwise in House Bill No. 1290, or else do not vote for Senate Bill No. 926 and vote for House Bill No. 1290 on the same issue.

Mr. President, I cannot think of anything more ridiculous. For those who will vote in the affirmative on Senate Bill No. 926 and those who will vote in the affirmative on House Bill No. 1290, we are voting for \$700,000 for the item of family planning. Who is to say that the other Body in that case will not concur in Senate Bill No. 926 and that it will go directly to the Governor? Who is to say they will not concur in House Bill No. 1290 and go straight to the Governor and the Governor signs both bills? Thereupon, \$700,000 is gone when the intentions of those who support it only supported it for \$350,000.

Mr. President, I am not going to make a motion like the gentleman from Bucks, Senator Lewis, and withdraw it. I am just saying to all those who support the concept on the position of voting twice for the same thing, I think, is indefensible.

Senator BELL. Mr. President, I thought I heard the gentleman from Westmoreland, Senator Kelley, say if we vote

for House Bill No. 1290 it goes directly to the Governor. It is my recollection this is amended and it would have to go back to the House for concurrence and the gentleman must have more confidence in what the House is going to do than what I do.

PERMISSION TO ADDRESS SENATE

Senator EARLY asked and obtained unanimous consent to address the Senate.

Senator EARLY. Mr. President, I was voted as a legislative leave on the first roll call. I would like the record to show I am back.

The PRESIDENT pro tempore. The gentleman's remarks will be noted in the record.

And the question recurring,

Shall the bill pass finally?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

Senator O'CONNELL. Mr. President pro tempore, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—23

Corman	Hopper	Manbeck	Snyder
Gekas	Howard	Messinger	Stapleton
Greenleaf	Jubelirer	Moore	Street
Hager	Lewis	Price	Tilghman
Hess	Lloyd	Reibman	Wilt
Holl	Loeper	Singel	

NAYS—21

Andrezeski	Kelley	Murray	Ross
Bell	Kusse	O'Connell	Scanlon
Bodack	Lincoln	Pecora	Shaffer
Early	McKinney	Rhoades	Stout
Fisher	Mellow	Romanelli	Zemprelli
Helfrick			

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

RECONSIDERATION OF SB 926

BILL OVER IN ORDER
ON FINAL PASSAGE

SB 926 (Pr. No. 1037) - Senator JUBELIRER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 926, Printer's No. 1037, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 926 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

PERMISSION TO ADDRESS SENATE

Senator HOLL asked and obtained unanimous consent to address the Senate.

Senator HOLL. Mr. President, having returned from legislative leave, I did vote on the last roll call and I want the record to show that I am present now.

The PRESIDENT pro tempore. The gentleman's remarks will be noted in the record.

THIRD CONSIDERATION CALENDAR RESUMED

**PREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1290 (Pr. No. 1988) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 8, by striking out all of said lines, and inserting:

To further provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1981 to June 30, 1982, and to provide additional and supplemental appropriations from the Federal Augmentation funds to the various departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981.

Amend Bill, page 1, lines 11 through 20; pages 2 through 22, lines 1 through 30; page 23, lines 1 through 26, by striking out all of said lines on said pages, and inserting:

Section 1. The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive and Legislative Departments of the Commonwealth for the payment of salaries, wages or other compensation and travel expenses of the duly elected or appointed officers and employees of the Commonwealth, for payment of fees of contractual services rendered, for the purchase or rental of goods, services, printing, equipment, land and buildings and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal period beginning July 1, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981.

I. EXECUTIVE DEPARTMENT

To the Department of Education

Pennsylvania Conservation Leadership School at Stone Valley Recreation Area..... \$35,000

**II. FEDERAL AUGMENTATION
SUPPLEMENTAL APPROPRIATIONS**

Section 2. The following additional sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Federal augmentation funds to the several hereinafter named agencies of the Executive and Judicial Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

To the Governor

(a) For the Pennsylvania Council on the Arts

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

- (1) "National Endowment for the Arts - Management" - To assist State arts agencies in the promotion of the arts throughout the State and Arts Management Program to improve the operating efficiency of art organizations..... \$495,000
- (2) "NEA - Professional Theatre Touring" - To provide one-third of the company fee for a 2-1/2 week tour by the Long Wharf Theatre..... 29,000
- (3) "NEA - Inter-arts Program" - To provide assistance in support of a three-day regional minority arts festival in Pittsburgh..... 15,000

(b) For the Governor's Energy Council

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

- (1) "Number 2 Fuel Oil Survey" - To conduct a biweekly survey of approximately 100 Number 2 heating oil dealers to obtain prices and inventories of Number 2 heating oil..... \$4,000
- (2) "DOE - Emergency Energy Conservation Act - Title II" - For a two phase program to develop a management plan to provide a framework for developing State Emergency Conservation Act plans and implementation of these plans 29,000

(c) To the Pennsylvania Commission on Crime and Delinquency

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

- (1) "Community Corrections Information Project" - To increase public support of community corrections in target counties and to create a Statewide information center about alternatives to incarceration to private and public agencies in criminal justice..... \$25,000

(2) "Criminal Justice Statistics Analysis Center" - For an office to analyze criminal justice statistics for Pennsylvania..... 42,000

(d) To the Office of General Counsel

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for State Correctional Institutions:

(1) "Maintenance of Federal Inmates" - For maintenance of Federal inmates in State Correctional Institutions (including a carryover of approximately \$20,000)..... \$341,000

To the Department of Commerce

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Minority Business Development Grant" - To assist in the development and operation of the State minority enterprise program..... \$126,000

(2) "ARC - State Technical Assistance" - To conduct analysis and feasibility of ARC projects prior to their inception..... 116,000

To the Department of Education

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "ESEA (I) Programs - Administration" - Administration of ESEA Title I programs (including a carryover of approximately \$591,000)..... \$2,010,000

(2) "Educational Innovations and Support - Title IV C" - To administer a program to encourage local educational agencies to compete for ESEA Title IV C competitive awards (including a carryover of approximately \$130,000)..... 389,000

(3) "HEA Title XII - Comprehensive Planning" - To provide Statewide planning for post-secondary education purposes. These funds are to be used only as directed by the duly constituted 1202 Commission (Pennsylvania Post-secondary Planning Commission) or such successor group as may be appointed in accordance with Title XII of the Higher Education Act of 1965, as amended (including a carryover of approximately \$65,000)..... 160,000

(4) "Common Core Data Survey" - To collect data for the National Center for Education Statistics..... 16,000

(5) "Adult Basic Education Evaluation Program" - To provide a data collection system and to develop related collection instruments to perform program evaluations as required by Federal law..... 70,000

(6) "NIE - Casual Analysis/Basic Skills Outcome" - To analyze Educational Quality Assessment data leading to the development of causal models to aid policymakers in the allocation of resources to improve educational outcomes..... 49,000

(7) "Transition Program for Refugee Children" - To administer a program to assist in providing special educational services to eligible refugee children..... 20,000

(8) "Educational Services for Cuban and Haitian Entrant Children" - To administer a program to provide special educational services to eligible Cuban and Haitian Entrant Children.. 10,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Scranton State School for the Deaf:

(1) "Deaf Adult Continuing Education - Scranton" - To support a demonstration project in continuing education for deaf adults..... \$4,600

To the Pennsylvania Emergency Management Agency

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "National Weather Service - Flash Flood Warning System" - To conduct communications feasibility study and prepare design plans for the installation of a microwave data collection system to be used in conjunction with the volunteer warning system..... \$50,000

To the Department of Environmental Resources

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Office of Resources Management:

(1) "Coastal Zone Management Program" - To implement a program for the use of the land and water resources of the State's coastal zone... \$1,305,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from

Commonwealth revenues for the deep mine safety inspections:

(1) "Surface Mine Control and Reclamation - Deep Mine Safety" - To carry out a gas monitoring program at the Centralia Mine Fire, Centralia, Pennsylvania..... \$100,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for forestry operations:

(1) "Forest Fire Protection and Control" - For prevention of forest fires in State and private forests in Pennsylvania and for control of wild-fires anywhere in the Commonwealth..... \$360,000

To the Department of Health

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "State Health Planning and Development Agency - Title XV" - To establish the health priorities of the Commonwealth through studies of existing and potential health facilities, manpower and services, and stimulate the development of Areawide Health Systems Agencies (including a carryover of approximately \$417,000)..... \$1,838,000

(2) "Survey and Follow Up - Venereal Disease" - For the carrying out of case-finding surveys and serologic follow-up services (including a carryover of approximately \$85,000)..... 680,000

(3) "Health Education/Risk Reduction" - To reduce the burden of chronic disease in the Commonwealth through comprehensive risk reduction health education efforts (including a carry-over of approximately \$140,000)..... 636,000

(4) "Indochinese Refugee Program" - To serve the unmet public health needs associated with, and the general health needs of, the refugees..... 135,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for Maternal and Child Health:

(1) "Maternal and Child Health - Improved Pregnancy Outcome" - To improve pregnancy outcome measures and assure parental care (including a carryover of approximately \$291,000)..... \$707,000

The following Federal augmentation amounts, or as much thereof as may be necessary,

are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for coal workers pneumoconiosis services:

(1) "Black Lung Clinic Program" - To expand State effort into the screening, diagnosis, treatment and rehabilitation of coal workers with respiratory diseases (including a carryover of approximately \$767,000)..... \$1,853,000

To the Historical and Museum Commission

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Community History Program" - To tape, record and preserve interviews with senior citizens in Monessen, Lebanon and Nanticoke communities and to use the recorded materials to present public meetings in each community..... \$15,000

To the Department of Labor and Industry

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Statewide Program on Fire and Thermal Burn" - To plan, present face-to-face programs, and evaluate a Statewide program on fire and thermal burn..... \$2,500

To the Office of the Attorney General

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for consumer protection:

(1) "Study of Odometer Tampering" - To study odometer rollbacks occurring between the time a vehicle is initially sold at one Pennsylvania auto auction and subsequently resold at another Pennsylvania auto auction..... \$65,000

To the Department of Public Welfare

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Long-term Care Channeling Project" - To make efficient use of the entire spectrum of community supports and services that a client needing long-term care may require by developing and testing new methods of utilizing existing long-term care resources..... \$200,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Office of Information Systems:

(1) "Child Support Enforcement (Title IV-D) - Administration" - To administer a program, enforce the support obligations owed by absent parents to their children, locate absent parents, establish paternity and obtain child support..... \$100,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for county administration:

(1) "Maintenance Assistance" - For administrative expenses for county administration in relation to provision of supplemental security income and cash and emergency assistance to eligible persons..... \$46,400,000

(2) "Medical Assistance - County Administration" - For administrative expenses incurred for county administration in relation to the provision of medical assistance services..... 28,347,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Program Accountability:

(1) "Medical Assistance - Program Accountability" \$847,000

(2) "Maintenance Assistance - Program Accountability" 1,241,000

(3) "Child Support Enforcement Program - Program Accountability" - For costs incurred by Program Accountability in support of the Child Support Enforcement Program..... 22,932,000

(4) "Food Stamp Program - Program Accountability" - For administrative expenses incurred by Program Accountability in support of the Food Stamp Program..... 866,000

(5) "Study of Court Systems" - For a study of court systems to improve the collection of court ordered support payments..... 45,000

The following federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sums appropriated from Commonwealth revenues for State mental hospitals:

(1) "Medicare Services - State Mental Hospitals" - For provision of medical services at State mental hospitals that are reimbursable under Medicare..... \$10,000,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for payment to counties for child welfare programs:

(1) "Child Welfare Services" - To establish, extend and strengthen services provided by local public welfare programs for development of services which will prevent the neglect, abuse, exploitation or delinquency of children..... \$5,906,000

(2) "Maintenance Assistance - Child Welfare" - For provision of foster care through child welfare programs to eligible persons..... 25,000,000

(3) "Refugees and Persons Seeking Asylum Program" - For provision of child welfare services to refugees and persons seeking asylum.. 1,798,000

To the Department of Transportation

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for Intercity Rail and Rural Bus Transportation:

(1) "Title IV Rail Assistance - Subsidy" - For operating subsidies, lease payments and accelerated maintenance on rail lines to be abandoned... \$5,335,000

Section 3. The Secretary of the Budget may create the following additional restricted receipt accounts for the purpose of administering Federal grants only for the purposes herein designated during the fiscal period July 1, 1980 through June 30, 1981.

Department of Education

(1) "Transition Program for Refugee Children" - To provide special educational services to eligible refugee children.

(2) "Educational Services for Cuban and Haitian Entrant Children" - To provide special educational services to eligible Cuban and Haitian entrant children.

Section 4. The following additional sums, or as much thereof as may be necessary, are hereby specifically appropriated or allocated from the Federal Title XX Social Services Funds to the several hereinafter named agencies of the Executive Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981.

To the Department of Public Welfare

The following Federal Title XX Social Services augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for day care:

(1) Social Services (XX) Training - Day Care" - To train personnel in support of day care programs \$730,000

(2) "Social Services (XX) Transfer to Cheyney for Training" - To train day care center personnel..... 558,000

Section 5. The following additional sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Comprehensive Employment and Training Act (CETA) Funds to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981.

To the Governor's Office

For the Pennsylvania Commission for Women

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA - Work Training Program" - For the first phase of a three-year project for the commission to promote and expand the involvement of women in the CETA work/training programs (including a carryover of approximately \$50,000)..... \$176,000

To the Department of Commerce

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA - Technical Assistance" - To provide technical assistance regarding the use and benefits of the CETA program to grant recipients who have received Commerce Department Grants..... \$47,000

To the Department of Education

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA - Improvement of Education Linkage" - To obtain basic information from the current 32 prime sponsors to evaluate the present educational linkages..... \$25,000

(2) "CETA - Model for Awarding Academic Credit" - To develop a comprehensive model for awarding academic credits to CETA participants 63,000

(3) "CETA - Summer Youth Program" - To demonstrate the feasibility and test the efficacy of granting Summer Youth program moneys to postsecondary institutions to involve economically disadvantaged youth in an integrated

program of career development, basic skills development and vocational training..... 12,000

To the Department of Military Affairs

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA - Services to Veterans" - To provide Pennsylvania veterans, on an area basis, guidance and necessary assistance in applying for available veterans' benefits..... \$95,000

Section 6. The following additional sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Federal Law Enforcement Assistance Administration Funds to the several hereinafter named agencies of the Executive and Judicial Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981.

To the Office of General Counsel

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Juvenile Court Judges Commission:

(1) "LEAA - Juvenile Crime Victim Study" - To conduct a study of the problems of victims in Juvenile Court..... \$24,000

(2) "LEAA - Juvenile Judicial Review" - To assist counties in the implementation of the Juvenile Court Judges' Commission standards governing the judicial review of delinquent and dependent children in placement..... 56,000

(3) "LEAA - Juvenile Probation Services" - For training of county juvenile probation officers in service delivery..... 120,000

(4) "LEAA - Juvenile Probation Internship Program" - To provide an intern program for college students in county juvenile probation offices..... 80,000

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the State Correctional Institutions:

(1) "LEAA - Community Service Center for Women Offenders" - To provide funds for the continuation of the Community Service Center for Women of Erie, Pennsylvania (including a carryover of approximately \$11,000)..... \$24,000

(2) "LEAA - Community Service Center for Men" - To expand the community treatment

program in order to accommodate the increasing population in the Bureau of Correction..... 360,000

(3) "LEAA - Transfer of Inmates to Trailer Housing" - To provide trailer housing for inmates in order to provide additional housing necessary to meet population needs..... 25,000

To the Department of Education

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "LEAA - Justice Education for Elementary Students" - To adapt the Teaching Individual Protective Strategies to Pennsylvania's Justice Education and Community Action Program and develop a system to implement it in elementary school curriculum (including a carry-over of approximately \$52,000)..... \$84,000

(2) "Youth Aftercare Program" - To provide after-care educational services for adjudicated delinquents (including a carryover of approximately \$26,000)..... 40,000

(3) "School Climate Improvement Project" - For a program to attempt to modify the structures, procedures, rules, attitudes and relationships within the school community to reduce discipline problems, vandalism and violence..... 106,000

To the Pennsylvania Crime Commission

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Pennsylvania Crime Commission:

(1) "LEAA - Leviticus Program" - For a multistate investigation of organized professional criminals in the Appalachian coal fields.... \$251,000

Section 7. It is the intent of the General Assembly that any appropriation under the provisions of sections 2, 3, 4, 5 and 6 of this act which is the same or similar to an appropriation under the act of July 3, 1980 (P.L.1445, No.23A) entitled, "An act appropriating the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980," shall replace such appropriation.

Section 8. (a) The following itemized appropriations under the specified sections of the act of July 3, 1980 (P.L.1445, No.23A), entitled "An act appropriating the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980," are repealed.

(1) Section 3:

(i) Item (12) under the category of general government operations in the Department of Health;

(ii) Item (4) under the category of operations of the State Laboratory in the Department of Health;

(iii) Item (1) under the category of State Correctional Institutions in the Department of Justice.

(2) Section 7, subsection (a):

(i) Item (1) under the LEAA category of State Correctional Institutions in the Department of Justice.

(b) The act of July 3, 1980 (P.L.1445, No.23A), entitled "An act appropriating the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980," is repealed insofar as inconsistent with this act.

Section 9. Section 1 shall take effect July 1, 1981 or if enacted subsequent to that date, then immediately. The remainder of the act shall take effect immediately.

On the question,

Will the Senate agree to the amendments?

Senator KUSSE. Mr. President, my amendments propose to add an appropriation of \$35,000 to the Department of Education in order to operate the Pennsylvania Conservation Leadership School at Stone Valley, at State College.

Mr. President, this appropriation in past years has been made on some occasions to the Department of Environmental Resources, and on other occasions to the Department of Education. It was apparently inadvertently omitted from the Governor's budget this year. It was just brought to my attention. I apologize for offering it at such a late hour, but that is the way it is. I would appreciate adoption of the amendments.

And the question recurring,

Will the Senate agree to the amendments?

A voice vote having been taken, the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration?

MOTION TO DIVIDE QUESTION

Senator PECORA. Mr. President, I would like to make a motion that House Bill No. 1290 be divided to vote separately pertaining to the \$350,000 for family planning.

The PRESIDENT pro tempore. Senator Pecora has moved House Bill No. 1290 be divided.

It is the ruling of the Chair a bill may never be divided. An amendment may be divided. The method of dealing with the concomitant parts of a bill are by amendment or by motion to revert to prior printer's number. A motion to divide the question on a bill on final passage is not in order.

Senator PECORA. Mr. President, do I have a matter of right here to divide the question?

The PRESIDENT pro tempore. It is the ruling of the Chair, Senator Pecora, you do not have, as a matter of right or as any other matter, the right to divide the question on a bill.

RULING OF CHAIR APPEALED

Senator PECORA. Mr. President, I would like to appeal the ruling of the Chair, then.

The PRESIDENT pro tempore. Senator Pecora has appealed the ruling of the Chair. The Chair has ruled that a motion to divide the question on a bill itself is not in order. Amendments may be divided but a bill may not be divided.

On the question, the Clerk will call the roll. Those voting "aye" sustain the Chair. Those voting "no" vote to overrule the Chair.

The Senate will be at ease.

(The Senate was at ease.)

Senator KELLEY. Mr. President, with all due respect to the Chair's ruling, I would like to address the Chair for a few moments and share with my colleagues some thoughts. The Chair has essentially said we may not divide a question, and yet in the Constitution we have been mandated to only have legislation on one issue, one subject.

Mr. President, the only exception to that in the Constitution, of course, is in the General Appropriations bill. We have by our own rule, Rule XXXIV, said, "Any Senator may call..." setting forth as a matter of right, "...for a division of the question by the Senate if the question includes points so distinct and separate that, one of them being taken away, the other will stand..." alone. The point here that the gentleman from Allegheny, Senator Pecora, has asked is we separate on the bill one item. There is no doubt all other items in that bill can stand alone without the part for which the gentleman asked to be excluded.

Likewise, Mr. President, in our own Rules we have incorporated Mason's Manual for references. Nowhere in Mason's Manual, in Chapter 33, dealing with division of the question, does it make any distinction between amendments and bills. The issue here before us is not whether or not the Chair, because of a political affiliation or anything is right, it is whether we in the Senate are going to conduct ourselves in accordance with the Rules we already adopted. Those Rules specifically do not limit division of the question to a bill, or exclude a bill, but, rather, it said any issue, and any issue certainly includes, and no reasonable mind could disagree, bills on final passage.

Mr. President, we do not have to revert back. We do not have to make any amendments on the final passage to adhere to our Constitution. We have the right to ask for a single delineation between the issues because it can stand alone. Therefore, Mr. President, I urgently ask all my colleagues to join in overriding the decision of the Chair.

The PRESIDENT pro tempore. The Chair thanks Senator Kelley. Since the time of the ruling, it has been pointed out to the Chair, in the Pennsylvania Manual, the 1978-1979 Volume 104, on page 126 on the question, "When a Part of a Divisible Question Cannot Be Considered," it has been the ruling of the Chair on two occasions, sustained by a vote of the Body on two occasions, that a bill cannot be divided. "The Senate was considering HB No. 247 on final passage when Senator Nolan rose to divide the question. The Presiding Officer, Senator Kelley, ruled that the question could not be divided

on the basis of the constitutional requirement that bills contain only one subject. To be divisible a question must have more than one subject and include points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition.

"The decision was appealed and the Senate sustained the Presiding Officer..." both on November 14, 1977 and on April 18, 1977. It is on the basis of the precedent of the Senate which had not been so clearly delineated to the Chair, that the Chair ruled that way.

On the question, the Clerk will call the roll.

All in favor say "aye." Those opposed "no."

The "ayes" have it.

The ruling of the Chair is sustained.

Senator KELLEY. Mr. President, the Chair said the Clerk will call the roll, in which case then it would be appropriate for any Member—

The PRESIDENT pro tempore. The Chair reverses itself. All in favor say "aye," opposed "no", the "ayes" have it.

Senator KELLEY. Mr. President, I ask for a roll call vote or else to be at ease.

The PRESIDENT pro tempore. The Clerk will call the roll. Those voting "aye" sustain the Chair, those voting "no" vote to overrule the ruling of the Chair.

Senator KELLEY. Mr. President, I ask for recognition to speak.

The PRESIDENT pro tempore. The Chair recognizes Senator Kelley. For what purpose does the gentleman seek recognition?

Senator KELLEY. Mr. President, to discuss the issue.

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

(The Senate was at ease.)

MOTION WITHDRAWN

Senator PECORA. Mr. President, I request to withdraw my appeal.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—27

Bell	Hopper	Manbeck	Snyder
Corman	Howard	Messinger	Stapleton
Gekas	Jubelirer	Moore	Stout
Greenleaf	Lewis	O'Connell	Street
Hager	Lloyd	Price	Tilghman
Hess	Loeper	Reibman	Wilt
Holl	McKinney	Singel	

NAYS—17

Andrezeski	Kelley	Murray	Ross
Bodack	Kusse	Pecora	Scanlon
Early	Lincoln	Rhoades	Shaffer
Fisher	Mellow	Romanelli	Zemprelli
Helfrick			

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

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

BILL OVER IN ORDER

HB 33 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 319 (Pr. No. 974) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator HOWARD. Mr. President, Senate Bill No. 319 is a bill that deals with two unrelated amendments to the Pennsylvania Constitution and would cause those issues to be placed on the ballot this fall. I strongly oppose the provision in this bill that would extend cost-of-living increases and other pension benefits to beneficiaries who are spouses of retirees. However, before I list the reasons for such opposition, let me say I recognize the cruel burden inflation has placed on all citizens living on pension benefits today and how desirable it is to help ease that burden by increased benefits.

Mr. President, I strongly feel, however, we must now ask whether the long-term costs of these benefits can be borne by the general public. This referendum, if passed, would effect not only the two large State pension plans but also all local pension plans. According to the Department of Community Affairs Act 293 report which was released just this March, the inadequacies of municipal pension system management in Pennsylvania warrant immediate action. Presently there are 1,991 municipal pension plans in the Commonwealth. Of these plans, 639 or fully thirty per cent, have a total unfunded liability of \$1,951,000,000.

POINT OF ORDER

Senator O'CONNELL. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Luzerne, Senator O'Connell, will state it.

Senator O'CONNELL. Mr. President, I rise in objection to the tack the gentleman from Bucks, Senator Howard, is taking in regard to this. The gentleman is not speaking on the bill that is presently before us, he is much beyond that. I believe this deals with a single matter of placing this issue on the ballot and before the public. It does not deal with legislation or with any of the subject matter the gentleman is talking about.

The PRESIDENT pro tempore. Will the gentleman please confine his remarks to the subject matter of this bill?

Senator HOWARD. Mr. President, I cannot believe anyone in this Chamber would deny me the opportunity to explain the consequences of a piece of legislation.

The PRESIDENT pro tempore. Will Senator Howard please come to the desk? Senator O'Connell, please come to the desk. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore. It is permissible in debating the bill before us to, in a limited fashion, discuss the potential implications of cost involved. It is the feeling of the Chair the gentleman was beginning to go a little far afield by discussing legislation which may be approved by the referendum which this bill seeks to create. I would ask the gentleman to confine himself to the implications of this bill and not to discuss the implications of legislation which may at some future time be before this Legislature.

Senator HOWARD. Mr. President, I am going to read this statement, and you tell me when you think I am getting beyond that area.

The PRESIDENT pro tempore. The Chair thanks the gentleman but the Chair declines to do so. The gentleman is asked to please confine his comments to the implications reasonably attendant to this bill and not to some future bill which may at some future time come before the Legislature.

Senator HOWARD. Mr. President, there is no way I can discuss this bill and deal with the issue as you have just described of possible cost without speculating about the implication. I do not understand what you are asking me to do but I would be very happy to do it if you would clarify it.

The PRESIDENT pro tempore. It is the Rule of the Senate that debate be germane to the bill before the Senate and not to speculative pieces of legislation which may at some future time come before the Senate based upon the speculative action of the general electorate. If the gentleman is unable to confine his remarks to the bill before the Senate now, then it would be the request of the Chair that we get on with the matter at hand.

Senator HOWARD. I will proceed, Mr. President.

Affirmative action on this bill will have a profound effect upon the local pension plans in the State which have an unfunded liability of almost \$2 billion at this point. This constitutional change would also open the door for—

POINT OF ORDER

Senator O'CONNELL. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Luzerne, Senator O'Connell, will state it.

Senator O'CONNELL. Mr. President, I object. I am serious. The gentleman has gone far beyond the content of the bill that is before him. We are just going to go on and on and I am going to continue to object. There is just absolutely no sense to it. The gentleman knows he is out of bounds. That is not the provision in this bill, it is not the subject matter before us and I would suggest it is out of order.

The PRESIDENT pro tempore. Will Senator O'Connell please approach the rostrum?

The Senate will be at ease.

(The Senate was at ease.)

Senator HOWARD. Mr. President, at the State level our two major pension plans are already confronting a crisis of their own. The Public School Employees Retirement System is expecting a recommendation from their consulting actuary that will require a twenty per cent increase next year just to pay for the benefits already granted, half the cost of which will have to be borne by the already beleaguered local school boards.

Similarly the State Employees Retirement Fund has been notified by their actuary they must increase their contribution from the State by twenty-seven per cent next year again just to pay for the cost of current benefits.

Further, as indicated by the actuary's analysis, had this constitutional amendment been in effect at that time, the passage at the time of the 1979 cost-of-living increase, it would have added \$14 million of additional liabilities and required a \$1,175,000 annual appropriation for each of the next twenty years to fund. That figure would be higher now and does not even include the proposal of extending other expensive fringe benefits all possible under this bill to beneficiaries who are spouses. To give the Members an idea of the potential cost of this feature alone, the actuary for the SERA estimates the cost of Blue Cross-Blue Shield alone permitted under this bill would exceed \$3 million per year. It is incomprehensible to me how we can contemplate any step which places a further burden on this already unstable and expensive system.

Mr. President, let us not hide behind the argument that this bill simply leaves the decision to the voting public. Why? Because there are presently more than 500,000 voters in the State who are direct beneficiaries of this measure who are well organized and will be working hard for its passage. With odds like that, I do not think it is a fair fight and the average taxpayer is going to get it in the neck again. Does it not make sense that we should defer action until we have had a chance to review all pension plans in the State to try to bring some cost curtailment and long range planning to their administration? A bill to do that, House Bill No. 229, sponsored by Representative Mowery of the House and others, would provide for a Public Employees' Retirement Study Commission to do that. That bill is presently on the Senate Calendar. I urge the Members to please let that commission do its work before we further complicate an already complicated problem.

To those Members who may be concerned about the urgency of this issue, remember these retirement funds are not the retiree's only source of income. They were designed to be supplemented by Social Security which does index relative to the cost of living and, incidentally, this does give some of the retirees and beneficiaries real dollar increases that are higher than their salaries during their active working careers. I have a table in front of me which we circulated last year when we were trying to gain the passage of Senate Bill No. 750 and it demonstrates an average State employee with thirty years of service and \$18,000 final salary goes home under the present benefit structure with \$19,000 in spendable income versus \$13,000. That is \$19,000 after he has retired in spendable income versus \$13,000 in spendable income during his active working career.

Mr. President, this bill is one of at least ten pieces of legislation presently in the Legislature that would increase the already generous benefits from these programs. May I urge we defeat Senate Bill No. 319 and others until the study commission has had an opportunity to perform its work.

Senator BELL. Mr. President, the people of Pennsylvania through a constitutional amendment submitted to them should have the right to decide this question. The question is very simple. The main thrust of this is not the gasoline tax, the aviation and the fringe benefits. The main thrust the people would have to decide is whether or not the beneficiaries of State retirees should have a return in the form of pensions that would approximate the purchasing value of the monies that were put into the fund. As of July 1st, the State employees will get an eight per cent cost-of-living increase. The beneficiaries of those people who gave their adult lives, their work lives, to the Commonwealth and the subdivisions thereof, will not get that cost-of-living increase. Those folks who worked for the Commonwealth and our subdivisions gave their entire adult life working with part of the expectation that there would be a pension. Part of the pension benefits would be when the man died or the woman died, the beneficiary would have something to put in the mouth in the way of food. Because of inflation, and this is what the people of Pennsylvania are asked to decide, to decide on this question, because of inflation the beneficiaries have been ripped to death. They put in 1940 dollars, they put in 1950 dollars, the State employees, and they are getting back 1980 dollars.

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

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

Senator HOWARD. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, is the gentleman suggesting that this being a constitutional referendum would have a present impact upon the municipal pension programs?

Senator HOWARD. Mr. President, if the referendum were held and it passed, it would have a profound effect upon the local pension programs but we have no way of assessing the exact nature of that because there are so many pension programs in the State and the variation among them is so great it is hard to place a dollar value on them.

Senator ZEMPRELLI. Mr. President, do I understand the referendum if allowed with respect to that portion of the bill that deals with pensions would relate to all municipal pensions at all levels of government?

Senator HOWARD. Mr. President, it is my understanding that is exactly the case.

Senator ZEMPRELLI. Mr. President, stated in another way, are there any quasi-governmental or quasi-municipal pensions that would be excluded from the context of the resolution?

Senator HOWARD. Not to my knowledge, Mr. President. The studies we have undertaken deal with the State employees, the State school employees and the municipal pensions, all of which were studied last year by a committee chaired by the gentleman from Bucks, Senator Lewis.

Senator ZEMPRELLI. Mr. President, is the gentleman suggesting that studies would indicate this matter should not be the subject of referendum or that the subject matter should not be passed for any reason whatsoever?

Senator HOWARD. Mr. President, I do not believe the Senate should deal with this issue until we have an opportunity to receive a comprehensive report on the condition of the pensions in the State generally. We have almost one-third of all pensions in the whole United States in the State of Pennsylvania. It is a patchwork quilt. The benefits are patchwork. Their condition financially is dreadful in many instances. It seems to me before we further complicate that picture we ought to understand where we are, where we are going and establish a reasonable plan to bail some of these pension programs out. I think the passage of this bill would not solve the problem but would increase it.

Senator ZEMPRELLI. Mr. President, does the gentleman have any idea, assuming the resolution is passed jointly by both houses, as to the first date it could possibly be implemented to the point of having an effect?

Senator HOWARD. I am sorry. I did not understand the question, Mr. President.

Senator ZEMPRELLI. I will state it in another way, Mr. President. When would be the first day the legislation after having completed the referendum process and having been reenacted by the General Assembly could become effective?

Senator HOWARD. Mr. President, legislation to implement it could be introduced immediately dealing with the State plans. It is my understanding no such legislation is necessary at a municipal level and, in fact, this issue then could become a matter of collective bargaining at a local level.

Senator ZEMPRELLI. Mr. President, is the gentleman suggesting that could be done prior to the referendum having been accepted?

Senator HOWARD. No, Mr. President. I think in all likelihood it is my understanding of the process that it would require the adoption and the passage of the referendum before the official activities could be undertaken. Certainly there would be a great deal of anticipation and possibly informal action prior to the passage.

Senator ZEMPRELLI. Mr. President, my question perhaps was misunderstood. That is, understanding the referendum

process and the need of the General Assembly to pass a bill in two successive Sessions, when would be the first day the enabling legislation would be passed?

Senator HOWARD. Mr. President, the day after the referendum passes on the ballot.

Senator ZEMPRELLI. Does the gentleman, Mr. President, have any idea as to when that might be?

Senator HOWARD. Mr. President, election day in November is the target date for this issue by the sponsor of this bill to place it on the ballot.

Senator ZEMPRELLI. Mr. President, is the gentleman aware of the fact that there is required a certification of the election results to determine whether or not the referendum has been passed?

Senator HOWARD. I am aware of that, Mr. President.

Senator ZEMPRELLI. Mr. President, my next question then is, when does the gentleman believe the studies that are being made that would influence the merit of the consideration of this referendum be concluded?

Senator HOWARD. Mr. President, I would be optimistic if I told the gentleman it would be even less than a year. House Bill No. 229 mandates that local pensions be the first order of business in terms of review and requires that the committee make a recommendation in no more than one year, hopefully less, but assuming that committee works into next winter or makes a report in the spring, it would then have to turn its attention to the State plans as well. I would say at the very best, it would be at least a year before we would see any kind of a comprehensive plan.

Senator ZEMPRELLI. Mr. President, I would like to make a statement on Senate Bill No. 319.

Mr. President, I believe the gentleman has placed enough caveats before the General Assembly that we should not be endeavoring to vote on this issue and aviation fuel excise taxes in the same measure. It would seem to me the two are like mixing oil and vinegar and we may have some thoughts with respect to one subject matter as opposed to a different view on the other subject matter.

MOTION TO DIVIDE QUESTION

Senator ZEMPRELLI. For that reason, Mr. President, I am moving the Senate to separate the issues, and on the first roll call to request a vote be taken on the bill as it is printed except to separate therefrom on page 2, beginning with line 29, continuously through page 3, including lines 1 through 12.

The PRESIDENT pro tempore. Senator Zemprelli, it is the ruling of the Senate not fifteen minutes ago that a bill cannot be divided.

Senator ZEMPRELLI. Mr. President, this is not a bill, this is a resolution. It carries separate subject matters. We have had this issue before and the Chair has ruled in resolutions they are separable.

The PRESIDENT pro tempore. Will the Minority and Majority Leaders please approach the desk?

MOTION WITHDRAWN

Senator ZEMPRELLI. Mr. President, I withdraw my motion.

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—41

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

NAYS—4

Hager	Howard	Ross	Snyder
-------	--------	------	--------

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

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

BILLS OVER IN ORDER

SB 384, 387 and HB 497 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 569 (Pr. No. 1062) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, on behalf of Senator SINGEL and himself, by unanimous consent, offered the following amendments:

Amend Sec. 3, page 3, line 2, by inserting after "parks,": or State forests

Amend Sec. 7, page 7, lines 19 through 28, by striking out all of said lines and inserting:

(4) After appropriate public notice, the sale of declared surplus property by the department shall be open to public review and inspection. Acceptance of an offer shall be subject to a minimum price requirement as established by the department, which shall not be less than the fair market value. Prospective buyers shall submit sealed offers to purchase declared surplus property through the mail. Except as provided in paragraph (3), sale of the declared surplus property shall be to the highest bidder, provided that no offer may be accepted which is below the fair market value, established through independent appraisal.

Amend Sec. 6, page 6, line 15, by inserting after "that": either House of

Amend Sec. 8, page 8, line 13, by striking out "credited to the General Fund" and inserting: deposited in the Capital Facilities Redemption Fund

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 569 go over in its order, as amended.

The PRESIDENT pro tempore. Senate Bill No. 569 will go over, as amended.

BILLS OVER IN ORDER

SB 624 and HB 638 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 643 (Pr. No. 1888) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

BILLS OVER IN ORDER

SB 653, 678, 679, 758, 775, 780, 781, HB 793 and SB 814 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 930 (Pr. No. 1051) — 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—45

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

NAYS—0

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

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

SB 931 (Pr. No. 1052) — 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—45

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

NAYS—0

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

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

SUPPLEMENTAL CALENDAR

**BILL ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 41 (Pr. No. 1074) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 41.

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

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

YEAS—45

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

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

SB 569 (Pr. No. 1090) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator LEWIS. Mr. President, I rise in opposition to Senate Bill No. 569. While noting the amendments that were accepted and adopted just a few minutes ago are certainly an improvement over the bill as it appeared in its original form, unfortunately, the most significant amendment and concern I have expressed continues to be absent from the bill in its present form. I will not go through the lengthy discussion I had on this floor earlier this week about the problems with the procedure that would make it possible for all of this surplus land to be sold and disposed of without an affirmative vote of the General Assembly, but that procedure unfortunately is still the one that exists in this bill. I happen to think it is absolutely unconscionable for us to be considering or potentially approving a piece of legislation that would make it possible for the most valuable assets in this Commonwealth, the land we have bought with taxpayers' money, to be disposed of without this General Assembly or either of the Bodies being required to take an affirmative vote to approve of those proposed dispositions of land.

For those reasons, Mr. President, I would request all of the Members of the Senate to vote in the negative because the consequences of permitting this kind of a procedure to go ahead to me are just bordering on being unimaginable, that we would be that cavalier and that thoughtless with the need to exercise our responsibility as Members of the General Assembly.

Senator JUBELIRER. Mr. President, without hoping to get into a prolonged debate, I believe the gentleman has somewhat overstated the case. Mr. President, I think the amendments that we worked out and were agreed to by both sides of

the aisle have, indeed, significantly changed and improved the bill. The first amendment took out the forest land. We now have an independent appraisal with sealed bids in there which were the amendments of the gentleman from Cambria, Senator Singel. Further, either house of this General Assembly can exercise veto power over any sale and I believe the protection we have put in has significantly improved the bill.

Mr. President, Senate Bill No. 569 is essential to the signing of the budget. It will have a \$15 million hole otherwise. I believe as the gentleman from Bucks, Senator Lewis, stated last week, pretty much in the same language, I just do not believe the bill is the same bill he spoke against last time. I would hope the Governor would not have to blue line \$15 million out of this budget. I believe we have put in significant protections. I believe the delay of last week has, indeed, helped.

Mr. President, I see the gentleman from Westmoreland, Senator Kelley, standing there. A great part of the amendment he was offering last week is also contained in this bill. I would hope Members of the Senate would vote in the affirmative and pass Senate Bill No. 569 at this time, again taking into consideration the budgetary concerns that we all have.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator KELLEY. Mr. President, I want to commend the gentleman for the amendments he put into Senate Bill No. 569, Printer's No. 1062. Without protracting the debate we had on that, I ask that the gentleman respond, if he would, to the fact the amendment which he put in on page 8, saying the funds would not be credited to the General Fund but rather deposited in Capital Facilities Redemption Fund. With those amendments, how does the language the gentleman just gave that the need for this, for the signing of the budget, have any relationship if none of the proceeds are going to go into the General Fund?

Senator JUBELIRER. Mr. President, because it would permit the Governor to reduce the amount of the General Fund appropriation by approximately \$15 million.

Senator KELLEY. If I understand, Mr. President, then this bill has no relationship or how does this bill have any relationship then to the General Appropriations bill in its present form?

Senator JUBELIRER. The money that would go from the sale would not go into the General Fund but would reduce capital expenditures, Mr. President. It would be a \$15 million hole.

Senator KELLEY. Mr. President, again I compliment the gentleman and those who worked on the amendments. They did greatly improve it with Printer's No. 1062, however, I do feel the one issue raised by the gentleman from Bucks is sufficient to continue the vote in the negative in my regard, but I want to commend those who did improve and make a bad situation less worse.

Senator BELL. Mr. President, I want to answer the objection of the gentleman from Bucks, Senator Lewis, that there would not be adequate public notice and there would not be adequate consideration by the Legislature.

Mr. President, I did read the Reorganization Act of 1955 and it is my understanding the bill which incorporates that Reorganization Act in it if it becomes law, will permit this sale of lands to be upset by either house, not approved by both houses. I think it is a lot easier to upset something by action of one house and approve with two houses. I also suggest the thirty days that are set forth in 71 Purdons Statutes, Section 750, Subsection C, Subparagraph 2. The thirty days that the Reorganization Act lays on the table over here does not include any recess in excess of ten days, so we do have adequate time to consider it.

Mr. President, if the gentleman's statement is true, that we do not give adequate consideration, that is a condemnation of the actions of this Senate, and God forbid that we ever see the day when we turn our back for a calendar month when we are in Session on something as important as this.

Senator LEWIS. Mr. President, the only other time I am aware of in the history of this General Assembly when we have permitted or approved something to occur through inaction was when the Commonwealth Compensation Commission was created. As a result of that procedure of inaction, which could bring about significant pay increases or changes in the emoluments of Members of the General Assembly, I think there were many members of the media who categorized that process as really being a pay grab. I have now heard the process for potential inaction for sale of Commonwealth lands being described in similar terms as providing the opportunity for a land grab. I think there is a lot of potential similarity between the two. Yes, we would hope this General Assembly and this Senate would turn its attention to a plan if it appeared and when it appeared on the Calendar. There is no guarantee that is going to occur. A thirty-day period which did not include any extended recesses beyond ten days might still only provide this Senate with six or seven or eight legislative days in which we would actually be in Session.

Maybe more importantly than all of those things, Mr. President, when we are dealing with a procedural situation which is all we would have if this bill is passed in its current form, we know full well merely a majority of those who happen to be present and voting are sufficient to carry the point at issue. I can easily conceive of a request being made to review a reorganization plan being defeated in a procedural vote that never touched upon the subject at all. The significance of the requirement or the need for a requirement for an affirmative vote is not only to guarantee that the issue will be before each and every one of the Members of this Senate in a voting posture but to further require that when we are dealing with something as significant as the potential sale of Commonwealth land, that we meet the minimum constitutional obligations for a constitutional majority to express its opinion with respect to the proposal. That does not exist now under the reorganization plan procedure as it is found in the law.

Mr. President, I just cannot imagine why it is we feel any obligation to move forward to create a program that can result and is in all likelihood going to result in the sale of at least \$15 million of land and buildings in this Commonwealth without requiring that each of the Members of this Senate have the opportunity and have the obligation to cast a vote either affirmatively or negatively with regard to that proposal. We should not be rushing to give away our responsibilities and to delegate them to someone else or to make it possible for inaction to do what we either choose not to do or find distasteful to do on our own. This is a much too serious and significant situation and I do not understand how we can also suggest the passage of this bill or the failure to pass this bill is going to result in an underfunding of monies that are needed to provide the revenues to balance the budget. If each and every Member of the Senate will take a look at this bill, they will see the procedures will not implement themselves in less than about three or four months from this time at which point a plan and a proposal for the disposition of surplus property will then appear on the Calendar in the same form as a reorganization plan. It has to be at least three or four months before any of us will know precisely what pieces of land are being proposed for distribution and before anyone will know whether or not that may potentially be subject to a rejection by the Senate.

Mr. President, to try to anticipate a revenue item for inclusion for the purposes of balancing the budget just does not seem to me to be possible or sensible even if this bill is passed in its present form as I hope it is not. The precedent is very dangerous. I believe the consequences for people in Pennsylvania can be the most severe imaginable in terms of failure or appropriate legislative oversight and I would hope we will reject this bill.

Senator BELL. Mr. President, in my second and final talk on the subject, in answer to the second and, I hope, final talk on it of the gentleman from Bucks, Senator Lewis, I would like to point out the very first premise the gentleman had was not based entirely on stated fact. On the report of the Compensation Commission it provided for so many days, it had to be accepted or rejected, and by design, the Leadership of this Senate saw fit that we were not in Session, so we could not reject it. The reason I say that is because I wrote a letter to the then President pro tempore to ask him to come back into Session so we could vote on that. We had that faulty setup corrected under the Reorganization Plan because the thirty days set forth in the Reorganization Plan, and I gave the Purdon's citation down to the very subsection, does not include any period of time that either house of this Legislature is in recess in excess of ten days.

Senator JUBELIRER. Mr. President, joining with the gentleman from Delaware, Senator Bell, who is absolutely correct in making the distinguishing features between the Compensation Commission and this, I would also add this is not a precedent of any kind. We have on our Calendar constantly administrative rules changes, court rules changes and by our inaction they would take effect.

Mr. President, this is not a new thing. We have things on the Calendar today if we do not act on time we could do that. As the gentleman from Delaware, Senator Bell, has clearly stated, there is no way for this General Assembly to run away. If we are out of Session for ten days they stop running. I think every protection has been afforded. I believe the amendments that were offered today significantly changed Senate Bill No. 569, and offered the protections that the gentleman from Bucks, Senator Lewis, screamed about last week, and the gentleman has gotten them. I think every Member of this General Assembly can feel the protections are there.

Again, Mr. President, I think the matter is urgent. I do not think we are acting in haste. I do not think we are acting irresponsibly. I think we are acting appropriately and I would hope the Governor would not have to blue line \$15 million worth of very sensitive programs if Senate Bill No. 569 should not pass.

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—24

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

NAYS—21

Andrezeski	Lloyd	Murray	Scanlon
Bodack	Lynch	Pecora	Singel
Early	McKinney	Reibman	Stapleton
Kelley	Mellow	Romanelli	Stout
Lewis	Messinger	Ross	Zemprelli
Lincoln			

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

RECONSIDERATION OF SB 569

BILL OVER IN ORDER ON FINAL PASSAGE

SB 569 (Pr. No. 1090) — Senator JUBELIRER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 569, Printer's No. 1090, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 569, Printer's No. 1090, go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

MEETING OF THE COMMITTEE ON APPROPRIATIONS

Senator JUBELIRER. Mr. President, at this time I would ask all Members of the Senate Committee on Appropriations to go to a meeting at the rear of the Senate Chamber in the Rules Committee room. If we can, Mr. President, we are going to ask legislative leave for all Members of the Committee on Appropriations. I do not think there are going to be any other votes but we want to continue with the second reading Calendar in the interest of time.

If that creates a problem with anybody, Mr. President, they can object now.

The PRESIDENT pro tempore. The Chair hears no objection. Will all Members of the Committee of Appropriations please go immediately to the Rules Committee room at the rear of the Senate Chamber.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 5, SB 81, 83 and 117 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION

HB 229 (Pr. No. 1778) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 243, SB 283 and HB 303 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION

SB 323 (Pr. No. 989) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 348 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL LAID ON THE TABLE

SB 560 (Pr. No. 572) — Upon motion of Senator MOORE, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 562, 566, HB 568, SB 577, 592, 620 and 635 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILL REREFERRED

SB 674 (Pr. No. 1077) — Upon motion of Senator MOORE, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 742 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION

SB 749 (Pr. No. 789) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 784, 805, 812 and 825 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION

SB 826 (Pr. No. 888) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 827, 829, 831, 838, 913, 921, 923 and HB 949 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

ADMINISTRATIVE RULES REPORT NO. 4, RESOLUTION A, CALLED UP

Senator MOORE, without objection, called up from page 13 of the Calendar, Administrative Rules Report No. 4, Resolution A, as follows:

Resolved That Administrative Rules Report No. 4 of 1981 transmitted by State Real Estate Commission under the Real Estate Licensing Act to the General Assembly under date of June 10, 1981 which is incorporated herein by reference be approved.

On the question,

Will the Senate adopt the resolution?

ADMINISTRATIVE RULES REPORT NO. 4, RESOLUTION A, ADOPTED

Senator MOORE. Mr. President, I move that the Senate do adopt Administrative Rules Report No. 4, Resolution A.

The motion was agreed to and the resolution was adopted.

BILLS SIGNED

The President pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 41, 156, 169, 269, 316, 346, 456, HB 106, 143, 523, 753 and 757.

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Fortunato, Mr. and Mrs. Robert Lentz and to Mr. and Mrs. John M. Novak by Senator Bodack.

Congratulations of the Senate were extended to Raimo Ilaskivi, Mayor of Helsinki, Finland by Senator Greenleaf.

Congratulations of the Senate were extended to Franconia Township and to the Senior Adult Activity Center of Harleysville by Senator Holl.

Congratulations of the Senate were extended to Tim Cochran by Senator Hopper.

Congratulations of the Senate were extended to William P. Thwaites by Senator Mellow.

Congratulations of the Senate were extended to the Borough of Honesdale, Camp Nagila and to Sister Mary Alice of Plymouth by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Redpath and to The Reverend Monsignor Joseph Altany by Senator Pecora.

Congratulations of the Senate were extended to the Twenty-first Ward Fourth of July Association of Philadelphia by Senator Price.

BILLS ON FIRST CONSIDERATION

Senator MOORE. 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:

HB 305, 383, 581, 1057 and 1379.

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

REQUEST FOR RECESS

Senator MOORE. Mr. President, I would request the Senate now stand in recess until the call of the Chair.

MEETING OF THE COMMITTEE ON BANKING AND INSURANCE

The PRESIDENT pro tempore. Before placing the Senate in recess to the call of the Chair, the Chair would like to announce the recessed meeting of the Committee on Banking and Insurance called for 2:00 p.m. is now in session.

The meeting of the Committee on Banking and Insurance is being held in Room 459. All the Members of the Committee on Banking and Insurance are requested to please go to Room 459 immediately.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JUNE 26, 1981

9:30 A.M.	URBAN AFFAIRS AND	Room 400,
to	HOUSING (Public Hearing	City Hall,
1:00 P.M.	to take testimony on	Philadelphia, PA
	Senate Bill No. 312)	

MONDAY, JUNE 29, 1981

11:00 A.M.	LAW AND JUSTICE (to	Room 459,
	consider Senate Bills No.	4th Floor
	535, 597, 637, 700 and	Conference Rm.,
	House Bill No. 392)	North Wing
1:00 P.M.	EDUCATION (to consider	Room 460,
	House Bill No. 1485)	4th Floor
		Conference Rm.,
		North Wing

TUESDAY, JUNE 30, 1981

12:30 P.M.	AGRICULTURE AND RURAL	Room 185
	AFFAIRS (to consider	
	House Bill No. 1351)	

THURSDAY, JULY 9, 1981

10:00 A.M.	LEGISLATIVE REAPPOR-	Senate Majority
	TIONMENT COMMISSION	Caucus Room
	(Public Hearing)	

FRIDAY, JULY 10, 1981

10:00 A.M.	LEGISLATIVE REAPPOR-	Senate Majority
	TIONMENT COMMISSION	Caucus Room
	(Public Hearing)	

RECESS

The PRESIDENT pro tempore. With apologies to those persons who have just joined us in the gallery in the hope of seeing the Senate in Session, because we are just going into recess, the Chair declares the Senate in recess until the call of the Chair.

AFTER RECESS

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

REPORTS FROM COMMITTEES

Senator TILGHMAN, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **HB 719**; reported, as committed, **HB 569, 571, 1484, 1517, 1593, 1594, 1596, 1598, 1612, 1615, 1644 and 1646.**

Senator HOLL, by unanimous consent, from the Committee on Banking and Insurance, reported, as amended, **HB 103.**

BILLS ON FIRST CONSIDERATION

Senator MOORE. 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:

HB 103, 569, 571, 1484, 1517, 1593, 1594, 1596, 1598, 1612, 1615, 1644 and 1646.

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

ADJOURNMENT

Senator MOORE. Mr. President, I move that the Senate do now adjourn until Monday, June 29, 1981, at 2:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 3:25 p.m., Eastern Daylight Saving Time.