

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 9, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 69

SENATE

WEDNESDAY, December 9, 1981.

The Senate met at 10:00 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend RALPH SNYDER, Pastor of St. Andrews Presbyterian Church, Lebanon, offered the following prayer:

Let us pray.

Almighty God, our Father, as we face the crucial issues of our day in this legislative session we pray that You will grant unto us a sense of balance.

Give us perspective so that we may discern what is significant and what is inconsequential.

Help us to distinguish between the better and the best, the abiding and the transient, the essential and the trivial.

Then enable us to act with vision, courage and commitment to pass those laws which will improve the quality of life for all of our Commonwealth.

We pray in the Name of Him Who came to do Thy will on earth as it is in heaven. Amen.

The PRESIDENT pro tempore. The Chair thanks the Reverend Snyder, who is the guest this week of Senator Manbeck.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Mr. President, the Majority and Minority Leaders have granted permission to add House Bill No. 942 to the scheduled meeting of the Committee on Appropriations today to convene at 11:00 a. m.

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

SENATOR MANBECK TO VOTE FOR SENATOR HOWARD AND SENATOR SNYDER

Senator MANBECK. Mr. President, I request a temporary legislative leave of absence for Senator Howard. I would also like to request a temporary legislative leave of absence for Senator Snyder.

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

SENATOR SCANLON TO VOTE FOR SENATOR ANDREZESKI, SENATOR FUMO, SENATOR O'PAKE AND SENATOR KELLEY

Senator SCANLON. Mr. President, I request a legislative leave for Senator Andrezeski and Senator Fumo for today's Session and a temporary legislative leave for this morning for Senator O'Pake and Senator Kelley.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE ADAMS COUNTY BOARD OF ASSISTANCE

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mildred Musselman (Republican), Rt. 3, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Adams County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Cecil R. Snyder, Biglerville, resigned.

DICK THORNBURGH.

APPOINTMENT OF SENATOR NICHOLAS P. STAMPONE TO STANDING COMMITTEE OF THE SENATE

The PRESIDENT pro tempore. The Chair wishes to announce that the President pro tempore has appointed Senator Nicholas P. Stampone to serve as a member of the Committee on Community and Economic Development. He will be replacing Senator J. Barry Stout, who has resigned from the committee.

**CALENDAR
SPECIAL ORDER OF BUSINESS**

SB 1160 CALLED UP OUT OF ORDER

SB 1160 (Pr. No. 1380) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1160 (Pr. No. 1380) — 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—50

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

NAYS—0

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

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

RECESS

Senator ZEMPRELLI. Mr. President, at this time I would request a Democratic caucus to take place immediately in the rear of the Chamber.

Senator JUBELIRER. Mr. President, we would ask the Republicans to stand ready to go into Session and there will be no need for a Republican caucus at this time.

The PRESIDENT pro tempore. For the purpose of a Democratic caucus which shall take place immediately in the

Minority caucus room at the rear of the Senate, the Senate is now in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

SB 532 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

SB 618 — Without objection, the bill was passed over in its order temporarily, at the request of Senator STAUFFER.

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS**

BILLS OVER IN ORDER

SB 16 and 108 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 919 (Pr. No. 1494) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 919. I ask for a negative vote.

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

Senator SCANLON. Mr. President, I would like to remind the Members of the Democratic caucus that we would like to vote in the affirmative on the motion to concur. The motion has been stated positively as a motion to concur, we are requesting the Members of the Democratic caucus vote "aye."

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

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

**SENATOR STAUFFER TO VOTE FOR
SENATOR JUBELIRER AND SENATOR STREET**

Senator STAUFFER. Mr. President, may I interrupt the roll call to ask for temporary legislative leaves for Senator Jubelirer and Senator Street, who are on legislative business off the floor but I will be voting them.

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

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

YEAS—24

Andrezeski	Lewis	Messinger	Scanlon
Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Stampone
Fumo	Lynch	Reibman	Stapleton

Hankins	McKinney	Romanelli	Stout
Kelley	Mellow	Ross	Zemprelli

NAYS—26

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

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

The PRESIDENT pro tempore. The amendments are non-concurred in and the President pro tempore will appoint a Committee of Conference.

Ordered, That the Secretary of Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 920 (Pr. No. 1435) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 920.

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

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SB 930 (Pr. No. 1407) — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 930.

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

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

YEAS—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer

Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 63 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

HB 82 — Without objection, the bill was passed over in its order temporarily, at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 171 (Pr. No. 1413) — 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—50

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 312 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 427 (Pr. No. 1539) — 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—50

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 622 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 696 (Pr. No. 2511) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, I am going to vote "no" on House Bill No. 696 if it goes to a roll call because I think it is fatally defective. This bill is so written that anyone who is willfully behind in a support order is guilty of a summary offense. This means if I am under a support order and I do not mail it in on Friday but on Tuesday, I can be found guilty of a crime.

I think we have more important things for our enforcement officers, such as the district attorney and the State police, such as to knock down on burglary and selling of drugs rather than cluttering up dockets with another crime of a person who has failed to make his payment on time willfully.

Mr. President, I understand the criteria behind this, but I think this bill is very poorly written and I am going to vote "no."

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—1

Bell

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

Ordered, That the Secretary of the Senate 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

SB 796 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 846 (Pr. No. 922) — 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—50

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

NAYS—0

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

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

HB 904 (Pr. No. 2641) — Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—1

Bell

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

Ordered, That the Secretary of the Senate 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 LAID ON THE TABLE

SB 1051 (Pr. No. 1390) — Upon motion of Senator STAUFFER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 1081, 1094 and 1102 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL RECOMMITTED

SB 1112 (Pr. No. 1484) — Considered the third time,

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

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1112, Printer's No. 1484, be recommitted to the Committee on Education.

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

Senator ZEMPRELLI. Mr. President, I would remind all Members of the Democratic caucus that after due deliberation, the caucus was opposed to recommitting of Senate Bill No. 1112 to the Committee on Education and we are asking for a negative vote and also ask for a roll call on the issue.

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

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

YEAS—26

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

NAYS—24

Andrezeski	Lewis	Messinger	Scanlon
Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Stampone
Fumo	Lynch	Reibman	Stapleton
Hankins	McKinney	Romanelli	Stout
Kelley	Mellow	Ross	Zemprelli

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

The PRESIDENT pro tempore. Senate Bill No. 1112 is recommitted to the Committee on Education.

MOTION FOR RECONSIDERATION

Senator REIBMAN. Mr. President, I move the vote by which Senate Bill No. 1112 was recommitted to the Committee on Education be reconsidered.

The PRESIDENT pro tempore. The colloquy which was just taking place at the desk concerned the propriety of a motion to reconsider a recommitted bill. Once a bill has been recommitted to committee, that vote cannot be reconsidered, those votes to reconsider being reserved for substantive matters before the Senate.

Senate Bill No. 1112 has been recommitted to the Committee on Education.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1132 (Pr. No. 1516) — 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—50

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

NAYS—0

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

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

SB 1161 (Pr. No. 1381) — 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—50

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

NAYS—0

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

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

BILL OVER IN ORDER AND RECOMMENDED

HB 1351 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Agriculture and Rural Affairs.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 179 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 191 (Pr. No. 192) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL RECOMMENDED

HB 230 (Pr. No. 2522) — Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Transportation.

BILLS OVER IN ORDER

HB 239, SB 377, 398, 506 and HB 554 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 685 (Pr. No. 715) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

HB 717 (Pr. No. 1602) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MOORE offered the following amendments:

Amend Title, page 1, line 22, by removing the period after "Commission" and inserting: and for an exemption from Article XXIV-A for certain conveyances.

Amend Bill, page 4, by inserting between lines 12 and 13:

Section 2. The act is amended by adding a section to read:

Section 2409-A. Exemption for Certain Conveyances.—This article shall not apply to a conveyance by The General State Authority which a resolution authorizing such conveyance was adopted by the board of directors of the authority on or before July 1, 1981.

Amend Sec. 2, page 4, line 13, by striking out all of said line and inserting:

Section 3. Section 1 of this act shall take effect in 60 days, and section 2 of this act shall take effect immediately and be applied retroactively to July 1, 1981.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

Senator O'CONNELL offered the following amendments:

Amend Title, page 1, line 20, by inserting after "determined,"": providing protection for displaced employes and Amend Bill, page 1, by inserting between lines 24 and 25:

Section 1. The act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code," is amended by adding a section to read:

Section 224. Protection for Displaced Employees.—In the event of the phase down, phase out, consolidation, elimination, sale, lease or assignment of any State institution or facility; or the subcontracting or modification of State programs and functions carried out by any State institution or facility in whole or in part, the following protections for displaced employes shall pertain:

(1) Displaced employes shall be offered placement in entrance level and otherwise uncommitted vacancies for which they qualify throughout the Commonwealth service; if placement is only possible in a classification with a lower pay range, the employe shall suffer no loss in pay for a three (3) year period. However, where the terms of a collective bargaining agreement require that such vacancies be proffered differently, only the remaining vacancies shall be thus made available.

(2) When such placement requires that an employe change his or her place of residence, the employe shall be reimbursed for the actual expense of moving his or her household goods.

(3) Joint labor-management committees consisting of representatives of the Commonwealth and the appropriate certified bargaining agent shall be established. It shall be the functions of such committees to determine the classification recruitment priorities of the Commonwealth service and to devise and establish programs to train and qualify displaced employes for such classi-

fications. All such training expenses shall be borne by the Commonwealth and the regular rate of pay for employes so affected shall continue during training.

(4) All displaced employes who have not been placed in alternative employment within three (3) months of their date of termination, pursuant to clauses (1), (2) and (3), and who are not in the process of being retrained pursuant to clause (3), shall be eligible for severance pay. Severance pay shall be equal to one (1) week of the employe's regular rate of pay at the time of separation for each year of Commonwealth service.

(5) The names of all employes who have not been placed in alternative employment shall be added to the recall list of any Commonwealth institution or facility of the employe's choice.

(6) In the event a new institution is opened in the county that effectuated the original displacement, displaced employes will receive preferential hiring. This hiring shall not abridge any existing collective bargaining agreement.

Amend Sec. 1, page 1, line 25, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, line 25, by removing the comma after "448" and inserting: of the

Amend Sec. 1, page 1, lines 25 and 26, by striking out "of April 9, 1929" in line 25, all of line 26

Amend Sec. 2, page 4, line 13, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILLS OVER IN ORDER

SB 851, 852 and HB 863 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

HB 930 (Pr. No. 2561) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PRICE, on behalf of himself and Senator ROMANELLI, offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2 (Sec. 103), page 3, line 15, by inserting after "banker,": FHA approved mortgage service company,

Amend Sec. 4 (Sec. 401-B), page 4, lines 15 through 18, by striking out "THE AGENCY MAY ALSO MAKE AND EXECUTE" in line 15, and all of lines 16 through 18

Amend Sec. 4 (Sec. 401-C), page 4, line 19, by striking out "401-C" and inserting: 402-B

Amend Sec. 4 (Sec. 401-C), page 5, line 15, by inserting after "amount" where it appears the second time: at least

Amend Sec. 4 (Sec. 401-C), page 5, line 20, by removing the period after "Governor" and inserting: which allocations may be amended from time to time.

Amend Sec. 4 (Sec. 401-C), page 5, by inserting between lines 25 and 26:

(6) If six (6) months after the amount allocation the agency determines a reallocation would better achieve State housing policy objectives, the agency may recommend and the Governor may proclaim an amended allocation plan.

Amend Sec. 4 (Sec. 401-C), page 6, line 6, by removing the period after "PROGRAMS" and inserting: or for home

improvement loans which are authorized to be made by Pennsylvania regulated financial institutions.

Amend Sec. 4 (Sec. 401-C), page 7, line 1, by inserting after "authorities," where it appears the first time: residential finance authorities,

Amend Sec. 4 (Sec. 401-C), page 7, by inserting between lines 20 and 21:

(g) The agency and any municipality electing local issuance shall contract with lending institutions to make loans with the proceeds of qualified mortgage bonds. The agency and any municipality electing local issuance may acquire and contract and enter into advance commitments to acquire by assignment or otherwise, loans secured by insurance or by mortgages made or owned by lending institutions or participations therein. The agency and any municipality electing local issuance shall make and execute contracts with lending institutions for the origination and servicing of such loans and pay the value of services rendered under such contracts.

Amend Sec. 5 (Sec. 501-A.1), page 9, line 1, by striking out "AND"

Amend Sec. 5 (Sec. 501-A.1), page 9, lines 10 through 12, by striking out "WITH THE APPROVAL OF THE AGENCY, IF THE AGENCY" in line 10, all of lines 11 and 12, and inserting: upon recommendation of the agency and with the approval of the Governor, if the agency determines that local issuance will result in loans being made at rates significantly lower than those available from the agency, or will result in substantial reductions in administrative costs, or will allow more effective integration of State, Federal and local housing assistance programs, not available through cooperation with the agency. A municipality electing

Amend Sec. 5 (Sec. 501-A.1), page 9, line 15, by striking out "401-C" and inserting: 402-B. If in the judgment of the agency, it will not issue bonds in the total amount available to it in any calendar year as prescribed in subsection (b), any excess availability within the State ceiling may be reallocated by resolution adopted by the agency board to any of the entities authorized to issue mortgage bonds under this act.

Amend Sec. 6, page 9, lines 16 through 19, by striking out "IMMEDIATELY, EXCEPT" in line 16 and all of lines 17 through 19, and inserting: January 1, 1982 and shall expire on May 31, 1984, unless sooner amended or reenacted by the General Assembly.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 937 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

HB 960 (Pr. No. 2131) and HB 963 (Pr. No. 1050) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1018 and 1019 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 1026 (Pr. No. 1207) and **SB 1027 (Pr. No. 1480)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1039, SB 1057, 1098 and **1122** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1175 (Pr. No. 2240) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 1190, HB 1333, 1384, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1633, 1634, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1699 and **1700** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES OF
EBENSBURG CENTER

September 21, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Aaron Leamer, R. D. 2, Box 33, Cherry Tree 15724, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Elsie Mildred Schmidt, Leechburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF EDUCATION

November 5, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Donald W. Fox, R. D. 1, Box 76, Enon Valley 16120, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

September 22, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward Gerjuoy, Ph. D., 400 Richland Lane, Pittsburgh 15260, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1987, or until his successor shall have been appointed and qualified, vice Paul Waters, Esquire, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF MANSFIELD STATE COLLEGE

October 26, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dick O. Hummel, Jr., Shumway Hill Road, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Board of Trustees of Mansfield State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice E. B. Watkins, D.D.S., Elkland, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF MOTOR VEHICLE MANUFACTURERS,
DEALERS AND SALESMEN

November 5, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry G. Gorton (Public Member), 2126 Eastern Avenue, Wesleyville 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until February 3, 1984, and until his successor is appointed and qualified, vice Paul Tripp, West Chester, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SHIPPENSBURG STATE COLLEGE

October 26, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Reddig, #308 Reading Road, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Shippensburg State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice William R. Minnick, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE SOMERSET COUNTY
BOARD OF ASSISTANCE

July 15, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Glenn Kaufman (Republican), R. D. 1, Holsopple 15935, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, to fill a new position.

DICK THORNBURGH.

SECRETARY OF ENVIRONMENTAL RESOURCES

October 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Peter S. Duncan, III, R. D. 1, Box 19, Millerstown 17062, Perry County, Thirty-third Senatorial District, for appointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Clifford L. Jones, Camp Hill, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, I move the vote by which the nomination of the Honorable Peter S. Duncan, III, as Secretary of Environmental Resources, was confirmed be reconsidered, and that the nomination be laid on the table.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, prior to voting on that motion, I might indicate that there have been some objections raised on this side of the aisle as far as this nomination was not discussed before the entire caucus. Therefore, Mr. President, it would be our intention to have the nominee discussed before the caucus and consideration made next week.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT pro tempore. The nomination will be laid on the table.

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nomination previously reported from committee and laid on the table.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES
OF WEST CHESTER STATE COLLEGE

November 5, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Bernard J. Carrozza, 1 Elgin Circle, Newtown Square 19073, Delaware County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of West Chester State college, to serve until the third Tuesday of January, 1983, and until his successor is appointed and qualified, vice Walter Reeder, Downingtown, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

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

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman from Delaware, Senator Loeper, tell us what date of resignation he is using on calculating the ninety days for the appointee?

Senator LOEPER. Mr. President, the Governor's Office has indicated that the Governor accepted the resignation of Mr. Walter Reeder on May 21, 1981.

Senator MELLOW. Mr. President, could the gentleman from Delaware, Senator Loeper, tell us what date the nominee's name was submitted to the Senate for confirmation?

Senator LOEPER. Mr. President, it is my understanding that the Governor's Office appointed Thomas Darr to the position of trustee at West Chester State College, however, withdrew that at a later date and then appointed Mr. Carrozza on August 19, 1981.

Senator MELLOW. Mr. President, could the gentleman tell us if he knows if there was a letter of resignation sent on behalf of Mr. Reeder to the West Chester State College?

Senator LOEPER. Mr. President, I am not aware of that. The Governor's Office accepted that resignation and, therefore, was notified of the vacancy on May 21, 1981.

Senator MELLOW. Mr. President, would the gentleman from Delaware, Senator Loeper, be surprised to learn that on May 4, 1981 there was a letter sent by Mr. Reeder to the West Chester State College announcing his resignation?

Senator LOEPER. Mr. President, I said I had not received a copy of that letter.

Senator MELLOW. Mr. President, it is our information that on May 4, Mr. Reeder did submit his letter of resignation to West Chester State College. That information was given to us by the office of the president of West Chester State College. It is also our information, Mr. President, that on August 2 the ninety days would have expired as to an individual being appointed for the position at West Chester State College. The gentleman who we are now considering, his name was sent to the Senate after that date.

It is our position, Mr. President, that the ninety days have expired and, therefore, the Governor has forfeited his right to appoint to this particular board and I would ask for a negative vote based on the ninety-day rule.

Senator LOEPER. Mr. President, as has been the case with some of these nominations in the past, this again seems to be another case where the Governor is the sole appointing authority. A letter of resignation dated on one day and submitted to a board of trustees does not indicate to the Governor, the appointing authority, that in fact a vacancy exists. Therefore, Mr. President, it is our position that the vacancy exists once the Governor's Office is notified and accepts that resignation before an appointment can be made.

Senator MELLOW. Mr. President, of course the position we have taken is contrary to that particular position. Our feeling is the date the gentleman submits his letter of resignation is the date the vacancy exists. If we would follow the theory that has been advanced by the gentleman from Delaware, Senator Loeper, if in fact the Governor's Office either misplaced the notification by West Chester State College that the gentleman had resigned or decided not to accept the resignation, then there would not be a ninety-day running period of time.

It is our feeling, Mr. President, May 4, 1981 was the date of resignation, that this appointment was made beyond the ninety days and, therefore, the appointment is not one that we can consider. I would ask once again, Mr. President, for a negative vote.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—26

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

NAYS—24

Andrezeski	Lewis	Messinger	Scanlon
Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Stampone
Fumo	Lynch	Reibman	Stapleton
Hankins	McKinney	Romanelli	Stout
Kelley	Mellow	Ross	Zemprelli

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

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

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

**CORONER IN AND FOR THE
COUNTY OF CRAWFORD**

November 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 28, 1981 for the appointment of Davis G. Burton, 213 West Spruce Street, Titusville 16354, Crawford County, Twenty-fifth Senatorial District, as Coroner in and for the County of Crawford, to serve until the first Monday of January, 1984, vice Doctor Robert C. Challener, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER**

November 17, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 21, 1981 for the appointment of Wanda K. Horvath, North Huntingdon 15642, Westmoreland County, Forty-fifth Senatorial District, as a member of the Board of

Trustees of Polk Center, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice James W. Hooten, Erie, whose term expired.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

EXECUTIVE SESSION RISES

Senator LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate to the call of the Chair.

The PRESIDENT pro tempore. The Senate is recessed to the call of the Chair.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SB 618 CALLED UP

SB 618 (Pr. No. 1509) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Reports of Committees of Conference, by Senator JUBELIER.

BILL RECOMMITTED TO COMMITTEE OF CONFERENCE

SB 618 (Pr. No. 1509) — Upon motion of Senator JUBELIER, and agreed to, the bill was recommitted to the Committee of Conference.

REQUEST FOR MEETING OF COMMITTEE OF CONFERENCE

Senator TILGHMAN. Mr. President, I would like to call a meeting of the recessed meeting of the Committee of Conference on Senate Bill No. 618 to take place at the call of the Chair in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Does the gentleman have any idea when that committee meeting will take place?

Senator TILGHMAN. Mr. President, I would think probably in ten or fifteen minutes. We have to meet with the House Members of that Committee of Conference.

The PRESIDENT pro tempore. For the benefit of the Members, Senator Tilghman has requested a recess of the Senate.

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, is it not true that if a Committee of Conference has adjourned its meeting that the recall of that committee by any chairman would be subject to the Sunshine Law provisions?

The PRESIDENT pro tempore. The gentleman has not stated a question as a point of parliamentary inquiry but a question of law. The Chair does not feel, without some preparation, adequate to respond.

Senator ZEMPRELLI. Mr. President, does the gentleman recall an instance when the gentleman from Philadelphia, Senator McKinney, had called a meeting of the Committee on State Government at which time the inquiry was made as to whether or not there was a quorum for the conduct of that meeting and the Chair had ruled the bill that was reported from committee was not in order because a quorum was not demonstrated at that time?

The PRESIDENT pro tempore. Senator Zemprelli, it would be the opinion of the Chair that interrogating the Chair about his memory as a Senator would not be in order.

Senator ZEMPRELLI. Mr. President, does the gentleman recall the ruling of the Chair, in your capacity as President pro tempore, of the instance I referred to as it regarded the gentleman from Philadelphia, Senator McKinney?

The PRESIDENT pro tempore. Senator Zemprelli, at any time when Senator McKinney was the chairman of a committee, this particular Senator was never in the Chair.

Senator ZEMPRELLI. Mr. President, so the Chair has no recollection as to that instance and the ruling of the Chair at that time?

The PRESIDENT pro tempore. The gentleman is out of order in inquiring of the recollections of the person who is in the Chair. If you wish to interrogate some other Member of the Senate, Senator Zemprelli, the Chair would be glad to permit it.

Senator ZEMPRELLI. Mr. President, may I ask the Chair if the Chair would consider a revised Committee of Conference report that had been considered by a Committee of Conference that had adjourned and submitted its report and was reconvened without having given the proper notices under the Sunshine Law?

The PRESIDENT pro tempore. Senator, the Chair is having difficulty trying to envision a time when the Chair would rule on the propriety of committee proceedings. It would seem to the Chair that would be a matter for the entire Senate to determine and not for the Chair, or for a court of law for that matter, but the Chair cannot envision a time when the Chair would rule on the propriety of a committee report.

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

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

Senator TILGHMAN. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, as I understand the Committee of Conference on Senate Bill No. 618, the gentleman from Montgomery, Senator Tilghman, the chairman of the Committee on Appropriations, was a member of that committee and signed his signature to that Committee of Conference report. Is that correct?

Mr. President, the gentleman was also the chairman of the committee and supervised the proceedings of that meeting. Is that not correct?

Senator TILGHMAN. Mr. President, that is correct.

Senator ZEMPRELLI. Mr. President, is it not a fact that when the meeting was concluded and the report had been agreed to that the gentleman from Montgomery, Senator Tilghman, through the proper functioning of that committee, adjourned the particular meeting on the Committee of Conference with respect to Senate Bill No. 618?

Senator TILGHMAN. Mr. President, we recessed the meeting.

Senator ZEMPRELLI. Mr. President, would the gentleman demonstrate how the meeting was recessed from the time that meeting was held?

Senator TILGHMAN. Mr. President, as to the time when the recessed meeting would take place?

Senator ZEMPRELLI. Mr. President, no, how was it recessed?

Senator TILGHMAN. Mr. President, by my statement.

Senator ZEMPRELLI. Mr. President, simply by the statement of the gentleman from Montgomery, Senator Tilghman?

Senator TILGHMAN. Mr. President, that is correct.

Senator ZEMPRELLI. Mr. President, and not the action of the committee?

Senator TILGHMAN. Mr. President, no, I have never heard of any committee that I have been on in all my years here take a unanimous action or any other action on a recessed motion of the chairman.

Senator ZEMPRELLI. Mr. President, do I understand the gentleman recessed the meeting by his unilateral indication that the meeting was recessed?

Senator TILGHMAN. Mr. President, that is correct, as the prerogative of the chairman, to the call of the Chair.

Senator ZEMPRELLI. Mr. President, does the gentleman have any minutes of the proceedings of that meeting?

Senator TILGHMAN. Mr. President, I beg the gentleman's pardon. Could the gentleman from Allegheny, Senator Zemprelli, repeat that? There was a little sidebar here.

The PRESIDENT pro tempore. The question was, Senator, were there any minutes of the meeting kept?

Senator TILGHMAN. Mr. President, the minutes were taken as to the vote of the six people and that was all.

Senator ZEMPRELLI. Mr. President, did the minutes of that meeting indicate how that meeting terminated?

Senator TILGHMAN. Mr. President, I just told the gentleman there were no minutes to the meeting other than the results of the vote.

Senator ZEMPRELLI. Mr. President, it is fair to suggest then there is no indication in the minutes of the meeting as to how the meeting was terminated?

The PRESIDENT pro tempore. That would seem to be the conclusion from the last two answers, Senator Zemprelli.

Senator TILGHMAN. Mr. President, there are no minutes.

Senator ZEMPRELLI. Mr. President, who was present at the meeting in which the Committee of Conference on Senate Bill No. 618 was agreed to?

Senator TILGHMAN. Mr. President, who was present?

Senator ZEMPRELLI. Yes, Mr. President.

Senator TILGHMAN. Mr. President, I think that everybody was probably there although there was a great deal of milling around. There were no objections. I was standing up, other people were leaving the room. As to exactly who was there at that particular moment, it would be hard to say. I think probably all of the members of the Committee of Conference were there.

Senator ZEMPRELLI. Mr. President, were the members of the news media and television media there?

Senator TILGHMAN. Yes, Mr. President, there were a lot of them in the room. Whether they were there at that particular moment, I do not know.

Senator ZEMPRELLI. Mr. President, my next question to the gentleman is, were they there when this meeting was terminated, in whatever fashion it was terminated?

The PRESIDENT pro tempore. He has already answered that Senator. He said he does not know whether they were there at that moment.

Senator ZEMPRELLI. Mr. President, but there were members of the news and television media there at some time during the meeting of the Committee of Conference?

The PRESIDENT pro tempore. He has already answered that too, Senator.

Senator ZEMPRELLI. Mr. President, was the gentleman from Bucks, Senator Lewis, present?

The PRESIDENT pro tempore. Senator Tilghman the question was: Was Senator Lewis present when you recessed the meeting?

Senator TILGHMAN. Mr. President, I assume the gentleman was there at that particular moment when the meeting was breaking up. The vote had been taken and the signatures affixed to the Committee of Conference report.

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

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

Senator LEWIS. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, was the gentleman present at the meeting of the Committee of Conference as it respected Senate Bill No. 618?

Senator LEWIS. I was, Mr. President.

Senator ZEMPRELLI. Mr. President, were there other parties present at the conduct of that meeting?

Senator LEWIS. Mr. President, all six of the conferees were present during the course of the meeting.

Senator ZEMPRELLI. Mr. President, is the report of the Committee of Conference on Senate Bill No. 618 as represented by Printer's No. 1509, the product of the discussion of that meeting?

Senator LEWIS. Mr. President, it was a product of discussion that ranged from somewhere in the neighborhood of a half an hour, most of the discussion having been conducted by me and by Representative Manderino; a vote having been taken at the conclusion of that discussion.

Senator ZEMPRELLI. Mr. President, was the gentleman present at the conclusion of the meeting?

Senator LEWIS. I was, Mr. President. Not only was I present at the time when the vote was taken but I was also interviewed by various persons from the media and found that the interviews were lengthy in time and when I left the room, but for one or two of my staff people and the two or three media people with whom I was engaged at the time, there was no one else left in the room.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Dauphin, Senator Gekas, will state it.

Senator GEKAS. Mr. President, what do the Senate Rules say if they say anything about discussion on the floor of the Senate on the deliberations of, first, a standing committee and, secondly, on the deliberations of a Committee of Conference?

The PRESIDENT pro tempore. The Senate will be at ease while we check the Rules.

(The Senate was at ease.)

The PRESIDENT pro tempore. The Chair is informed by the Parliamentarian that the Rules are silent on such an interrogation. The Chair is informed by the Parliamentarian that the Rules are silent on such a matter because such a discussion is really out of order. We are now discussing the Calendar and we are not at an order of business where such interrogation is really in order. The Chair has permitted it, however, because it was the idea of the Chair that the Minority wishes to make a record on this issue.

Senator GEKAS. Mr. President, I have not concluded. On the parliamentary point that I raised, I seem to recall that either by matter of tradition or precedent, whether or not it is found in the Rules, Members of the Senate are not permitted to discuss deliberations of individual committees and actions taken in that committee on the floor. Am I dreaming or does the Chair recall any such precedents?

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

(The Senate was at ease.)

Senator GEKAS. Mr. President, I withdraw my parliamentary inquiry.

Senator ZEMPRELLI. Mr. President, were you present at the conclusion of the stated meeting?

The PRESIDENT pro tempore. This interrogation is directed to Senator Lewis?

Senator ZEMPRELLI. Yes it is, Mr. President.

The PRESIDENT pro tempore. He has already answered that. Yes, he was, Senator.

Senator ZEMPRELLI. Mr. President, I am sorry, I did not recollect asking it.

Mr. President, would the gentleman tell us how the meeting was terminated?

Senator LEWIS. Mr. President, it is my recollection the meeting was terminated by the taking of the vote by the members of the Committee of Conference, at which time the Committee of Conference report was approved by the members of the Committee of Conference and at that point all of us simply got up and left the meeting.

Senator ZEMPRELLI. Mr. President, was it the gentleman's impression the meeting had been recessed or otherwise terminated except by total adjournment?

Senator LEWIS. Mr. President, very simply, my impression was that the meeting had been concluded, that the business of the Committee of Conference was over, that the vote had been taken and we were finished and there was nothing more to do.

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

(The Senate was at ease.)

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, under the Rules of the Senate, is it not true that in order for a meeting to be called during a Session of the Senate that the approval of the Minority Leader must be obtained?

The PRESIDENT pro tempore. The Senate will be at ease while we research that.

(The Senate was at ease.)

CHAIR REVERSES DECISION RE BILL BEING RECOMMITTED TO COMMITTEE OF CONFERENCE

The PRESIDENT pro tempore. The questions having been raised about the procedure and the propriety of the recommitment of the bill to the Committee of Conference, the Chair reverses its ruling and the bill is not recommitted to the Committee of Conference.

Senator JUBELIRER. Mr. President, at this time I withdraw my request that Senate Bill No. 618 be recommitted to the Committee of Conference.

SB 618 CALLED UP

SB 618 (Pr. No. 1509) — Senator JUBELIRER. Mr. President, I ask that Senate Bill No. 618, Printer's No. 1509, on page 1, a Report of the Committee of Conference, be called up at this time.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Allegany, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, do I understand the Chair has reversed its ruling as to the submission of Senate Bill No. 618 to a Committee of Conference?

The PRESIDENT pro tempore. That is correct. Senator Zemprelli having raised objection to the procedure, the Chair has reconsidered and has ruled that it was improperly recommitted to the Committee of Conference and the bill is on the Calendar for consideration.

Senator ZEMPRELLI. Mr. President, did this Body vote on the matter of recommitment?

The PRESIDENT pro tempore. It may have and I think the Chair was wrong in its interpretation of the vote.

Senator ZEMPRELLI. Mr. President, is the Chair aware of the fact that earlier in today's Session on a petition by the lady from Northampton, Senator Reibman, the Chair ruled to the contrary?

The PRESIDENT pro tempore. There was no motion, Senator, to reconsider the vote. The question raised by Senator Zemprelli was the propriety of the recommitment of this bill to the Committee of Conference. The Chair agrees with Senator Zemprelli. It was improperly recommitted and it is now back on the Calendar.

Senator ZEMPRELLI. Mr. President, I do not recall, and the record should not show where I ever objected to the reference to conference committee. I was not even on the floor at the time that the bill was recommitted to the Committee of Conference. I am aware and I have objected to the fact that an attempt was made to have a meeting of the Committee of Conference, as to a recessed meeting, without the permission and the consent of the Minority Leader in accordance with Rule XVI, Section 7. Therefore, Mr. President, the question recurs as to a matter of parliamentary procedure, how is the bill before the Chamber without having had a motion to reconsider and that motion voted upon and, secondly, Mr. President, in light of the previous ruling of the Chair with respect to the motion of the lady from Northampton, Senator Reibman, earlier in this Session to determine by your determination that such a motion was not in order?

The PRESIDENT pro tempore. Senator Zemprelli, the Chair heard no motion to reconsider any vote and so there is absolutely no connection between the action of Senator Reibman and the ruling of the Chair on that and what has taken place here. During the time when the Senate was at ease, a provision referring to Committees of Conference in Mason's Manual, which this Body regularly uses when our own Rules are silent, on page 545, states in paragraph 1, "...under no condition may the house alter or amend the report of committee, but must adopt or refuse to adopt the report in the form submitted.", which would make the Chair believe that this Senate has to act on that report of the Committee of Conference and may not resubmit it to a Committee of Conference without such action.

Senator ZEMPRELLI. Mr. President, is that the basis upon which the Chair has determined that the report of the Committee of Conference could not be recommitted to the committee?

The PRESIDENT pro tempore. That is correct.

Senator ZEMPRELLI. So, therefore, Mr. President, it is the Chair's ruling that the report of the Committee of Conference is before the Senate for consideration as to adoption or rejection?

The PRESIDENT pro tempore. I believe the Chair has stated that at least twice in the last few minutes.

Senator ZEMPRELLI. Mr. President, is the Chair as a matter of parliamentary procedure suggesting that this Body does not have the power by affirmative vote to refer a report of a Committee of Conference to a standing Committee of Conference?

The PRESIDENT pro tempore. It would appear to the Chair from the reading of the Mason's Manual that this Body must first reject or adopt and then it may take some action. I would assume it would have to reject before it could return a bill to a Committee of Conference.

Senator ZEMPRELLI. Mr. President, in a sidebar conference with the Chair earlier, the Chair was impressing me with the fact that precedent has a great deal to do with the interpretation of the Rules and the application of the prevailing law relative to the procedures in this Chamber. One of the significant factors, Mr. President, as I would recall to the Chair's recollection, is the fact that it has been the practice of this Chamber—may I please complete my statement, Mr. President?

The PRESIDENT pro tempore. Senator Zemprelli, it is the opinion of the Chair that in comments addressed to the person who is the Chair about conversations or recollections, the gentleman is out of order.

May we please be at ease and would you come to the rostrum?

Senator ZEMPRELLI. I defer to the gentleman's judgment as to personal reference.

(The Senate was at ease.)

RECESS

Senator ZEMPRELLI. Mr. President, understanding that I have not completed my inquiry to the Chair on the matter of parliamentary procedure and that notwithstanding, I would ask for a recess of the Senate for the purpose of a Democratic caucus.

The PRESIDENT pro tempore. Senator Zemprelli, I hear some inquiry from somewhere in the Senate as to a suggested time of your return?

Senator ZEMPRELLI. Mr. President, I do not suspect that we will be more than a half hour. The purpose is that I want our caucus to understand what all the ramifications are, direct and indirect, from the actions that are being considered here now and I think it is essential for us to have an understanding before we proceed any further.

Senator JUBELIRER. Mr. President, is it my understanding then that we will be reconvening at approximately 7:30 p.m. or thereabouts, is that the gentleman's best guesstimate?

Senator ZEMPRELLI. Mr. President, that would be my estimate. I do not anticipate it will be any longer.

The PRESIDENT pro tempore. For the purpose of a Democratic caucus with expectations of returning to the floor at approximately 7:30 p.m., the Senate is in recess.

AFTER RECESS

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

The Senate has before it Senate Bill No. 618, Printer's No. 1509.

CONSTITUTIONAL POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Allegeny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, not to burden the situation but to recognize that I do not want the proceedings of the Senate to reflect the precedent that may guide things in the future and my concern is it would go uncontested.

Mr. President, as I understand the posture of the Senate at this time, it is that the Chair has ruled that the report of the Committee of Conference was improperly recommitted to committee and that before the Senate at this time is that report of the Committee of Conference for acceptance or rejection.

Mr. President, I raise a question of constitutionality and ask the issue be submitted to the Senate for a vote.

The PRESIDENT pro tempore. The gentleman will state his point of constitutional inquiry.

Senator ZEMPRELLI. Mr. President, is it constitutional once a report of the Committee of Conference has been voted and recommitted to committee to reject that action of the Senate by the Chair in determining that the report of the Committee of Conference was improperly recommitted in the first instance.

The PRESIDENT pro tempore. Will the gentleman please restate his—

Senator ZEMPRELLI. Mr. President, let me withdraw the statement and clarify it.

Mr. President, the constitutional question I am submitting is, does the Chair have the power to determine that a report of the Committee of Conference once voted upon by the Senate and recommitted to the Committee of Conference has been improperly recommitted and to submit the issue as being presently before the Senate without further action of the Senate.

The PRESIDENT pro tempore. Will the gentleman please state the section of the Constitution to which his inquiry is directed?

Senator ZEMPRELLI. Under the general powers of the Presiding Officer of the Senate.

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

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, after a lengthy sidebar and understanding that certain matters will take place in the procedure, I will withdraw my request for a constitutional consideration.

CHAIR'S FORMER RULING WITHDRAWN

The PRESIDENT pro tempore. In order to set the procedure straight, the Chair withdraws its ruling about the impropriety of the action of the Senate in recommitting Senate Bill No. 618 to the Committee of Conference.

MOTION TO SUSPEND RULES

Senator JUBELIRER. Mr. President, I move to suspend the Rules in order that the reconsideration of the motion to recommit may be placed.

The PRESIDENT pro tempore. Senator Jubelirer moves to suspend the Rules of the Senate in order to reconsider the vote by which Senate Bill No. 618 was recommitted to the Committee of Conference.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I am tempted to enter into a lengthy debate and I would allude to the unusualness of the procedure and admonish the Chair and the Senate not to engage in this kind of frivolity as it would respect the tenets of what a Democratic society should be in the deliberation of this legislative process. However, I will refrain from that and simply suggest to the Members of the Senate, one and all, to vote in the negative with respect to this important consideration.

The PRESIDENT pro tempore. On the question, those voting "aye" vote to suspend the Rules of the Senate, those voting "no" vote not to.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

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

NAYS—23

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampone
Early	Lynch	Reibman	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley	Messinger	Scanlon	

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

RECONSIDERATION OF SB 618

SB 618 (Pr. No. 1509) — Senator JUBELIRER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 618, Printer's No. 1509, was recommitted to the Committee of Conference.

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—26

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

NAYS—23

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampone
Early	Lynch	Reibman	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley	Messinger	Scanlon	

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

REPORT OF COMMITTEE OF CONFERENCE

REPORT REJECTED

SB 618 (Pr. No. 1509) — Senator JUBELIRER. Mr. President, I move that the Senate do reject the Report of Committee of Conference on Senate Bill No. 618, entitled:

An Act providing for the reduction of General Fund Appropriations for the fiscal year 1981-1982; and directing the Governor to take appropriate action to balance the budget.

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

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

YEAS—49

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

NAYS—0

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

BILL OVER IN ORDER TEMPORARILY,
AS AMENDED

The PRESIDENT pro tempore. The Senate has before it Senate Bill No. 618, Printer's No. 1182.

And the question recurring,
Will the Senate concur in the amendments made by the House to Senate Bill No. 618?

MOTION TO SUSPEND RULES

Senator JUBELIRER. Mr. President, I move to suspend the Rules in order to permit the offering of amendments to House amendments to Senate Bill No. 618.

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

Senator ZEMPRELLI. Mr. President, once again in my eighteen years of service to the General Assembly in both houses, the proceedings before us seem to be unrecognized, strange and unusual. I recall on one instance where a motion was made to suspend the Rules as they would relate to a concurrence on a report of the Committee of Conference and the then President pro tempore of the Senate, and it is my recollection, Ernest Kline, admonished the Senate as to the seriousness of those proceedings and, in the wisdom of the Senate, it was rejected because of the obvious distasteful precedent that would be established by affirming any such action.

Mr. President, I see that the Senate is once again at the brink of establishing that same precedent or intended precedent. I would simply suggest to the Chair and the Members of the Senate that we are embarking upon troubled waters and should not only be concerned about the subject matter before us but rather the dangerous precedent that will be alluded to many times into the future as to the way that the conduct of business should be had by this General Assembly in dealing with similar situations.

Mr. President, for that reason, and for many other obvious reasons which are the spinoff of the contemplated action, I request a "no" vote on the matter before us.

Senator JUBELIRER. Mr. President, contrary to what the gentleman says, this procedure has been used from time immemorial in the Senate, including the votes of the gentleman from Allegheny, Senator Zemprelli, in 1977, time after time after time to suspend the Rules in order to accomplish the business of the Body for a procedure such as this. I do not think we have set any dangerous precedent because we have faced the issue and recognize the Rules. That is why a motion to suspend the Rules is indeed in order and part of the parliamentary procedure. The business of the Senate comes first. We will want to deal with this issue. I know the gentleman would like to delay the matter but the importance of it, I believe, takes precedence.

Mr. President, we would respectfully ask for an "aye" vote on the motion.

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Alleg-heny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is a motion to suspend the Rules as it relates to a matter on concurrence in House amendments properly before the Senate?

The PRESIDENT pro tempore. The motion was made, Senator Zemprelli, therefore placing it properly before the Senate. So the answer of the Chair would be, yes, it is.

Senator ZEMPRELLI. Mr. President, does the Chair have any history of where those exact proceedings were held by the Senate in which they were in keeping with the ruling of the Chair?

The PRESIDENT pro tempore. Will the gentleman restate his question?

Senator ZEMPRELLI. Is there any precedent, Mr. Presi-dent, for ruling that a motion to suspend the Rules is germane when the question before the Senate is one of concurrence on House amendments?

The PRESIDENT pro tempore. Senator Zemprelli, on November 15, 1977, the Senate suspended the Rules to amend House amendments to a Senate bill and that is the question before the Senate this evening.

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Alleg-heny, Senator Early, will state it.

Senator EARLY. Mr. President, since we did reject the report of the Committee of Conference and suspend the Rules on the Senate bill, would that same Rule be true if we were dealing with a House bill?

The PRESIDENT pro tempore. The Chair is not going to answer hypothetical questions. We will deal with the matters which are before us. We are dealing with a Senate bill, Senator Early, and we will restrict our answers to that.

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

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

YEAS—26

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

NAYS—23

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampone
Early	Lynch	Reibman	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley	Messinger	Scanlon	

A majority of the Senators having voted "aye," the ques-tion was determined in the affirmative.

Senator TILGHMAN. Mr. President, I ask unanimous consent to offer the following amendments to Senate Bill No. 618.

Senator MELLOW. Mr. President, we object to the unani-mous consent.

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

The PRESIDENT pro tempore. It is the ruling of the Chair that the gentleman's objection is out of order. The Rules of the Senate had already been suspended for purposes of offer-ing these amendments.

TILGHMAN AMENDMENTS

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

Amend Title, page 1, lines 4 through 7, by striking out all of said lines and inserting:

Providing for the reduction of General Fund Appropriations for the fiscal year 1981-1982; and directing the Governor to take appropriate action to balance the budget.

Amend Bill, page 2, lines 21 through 30; pages 3 through 20, lines 1 through 30; page 21, lines 1 and 2, by striking out all of said lines on said pages and inserting:

Section 1. (a) The Federal economic recovery program recently enacted and embodied in The Economic Recovery Act of 1981 (Public Law 97-34) and The Omnibus Reconciliation Act of 1981 (Public Law 97-35) will cause a serious shortfall in Com-monwealth revenues as well as a substantial reduction in Federal funds available for Commonwealth programs. As a result, the 1981-1982 fiscal year General Fund budget of the Commonwealth will be seriously out of balance unless immediate action is taken to adjust the 1981-1982 appropriations and expenditures in con-formity with available revenues.

(b) To reduce the impact of the reductions on any particular program, a general reduction in appropriations must be made.

Section 2. Each and every 1981-1982 fiscal year General Fund appropriation, except the appropriations to the Department of Education for payment of subsidies to school districts on account of basic instructional costs, for the purpose of protecting school districts from receiving less basic instructional subsidy money than was received during the fiscal period 1980-1981, for pay-ments for student supplies for nonpublic schools, for payments on account of vocational education programs, for payments to school districts and intermediate units on account of pupil trans-portation; for payments on account of nonpublic school trans-portation; for payments to school districts, intermediate units and approved private schools on account of special education of exceptional children and for grants to public libraries for the development and improvement of a Statewide system of libraries and library services and except appropriations to the Department of Public Welfare for county administration of the public assis-tance and medical assistance programs and for cash assistance grants, is hereby reduced by 1% of the amount of money previ-ously appropriated in the act of July 1, 1981 (No.5A), known as the "General Appropriation Act of 1981," or any other acts making preferred appropriations for the 1981-1982 fiscal year.

Section 3. The provisions of this act shall supersede all other acts or parts of acts which require or mandate payments to school districts, persons, or other entities. Each State agency shall take all steps required to reduce operations to the level necessitated by the provisions of this section.

Section 4. The General Assembly directs the Governor to take all action necessary to balance the 1981-1982 General Fund budget including, but not limited to, the revision of the official revenue estimate and the abatement of other appropriations.

Section 5. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendments?

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

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.

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

YEAS—26

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

NAYS—21

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

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

On the question,

Will the Senate concur in House amendments by amending House amendments?

REQUEST FOR BILL OVER IN ORDER TEMPORARILY, AS AMENDED

Senator ZEMPRELLI. Mr. President, understanding that there are amendments to be prepared, that have been requested and not prepared, and by virtue of the passage of the amendments before us, it makes a new ball game out of the germane preparation of those amendments, I would ask that we go over the further consideration of Senate Bill No. 618 temporarily until such time as those amendments are prepared and I would request the Chair to continue with the business of the Senate in the meantime.

Senator JUBELIRER. Mr. President, I join in that request.

The PRESIDENT pro tempore. Senate Bill No. 618 will go over temporarily, as amended.

HB 82 CALLED UP

HB 82 (Pr. No. 2642) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 82 (Pr. No. 2642) — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—26

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

NAYS—23

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampone
Early	Lynch	Reibman	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley	Messinger	Scanlon	

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

Ordered, That the Secretary of the Senate 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.

REPORTS FROM COMMITTEES

Senator TILGHMAN, by unanimous consent, from the Committee on Appropriations, rereported, as committed, **SB 994, 1135 and HB 942**; reported, as committed, **SB 1224**; as amended, **HB 1643**.

Senator GEKAS, by unanimous consent, from the Committee on Judiciary, reported, as amended, **SB 1208**.

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 Mrs. Edna Marie Shuler by Senator Gekas.

Congratulations of the Senate were extended to Tom Lasorda by Senator Holl.

Congratulations of the Senate were extended to Betty McElvaney by Senator Stampone.

Congratulations of the Senate were extended to Phi Theta Phi Fraternity of Thiel College by Senator Wilt.

GENERAL COMMUNICATIONS

DISCHARGE PETITIONS

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

In the Senate, December 9, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in

writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on September 14, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

John Evancho Member
Board of Trustees
White Haven Center

Edward P. Zemprelli
Eugene F. Scanlon
Robert J. Mellow
Francis J. Lynch
James E. Ross

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

In the Senate, December 9, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on September 14, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Edward R. Ruffner Member
Board of Assistance,
Indiana County

Edward P. Zemprelli
Eugene F. Scanlon
Robert J. Mellow
Francis J. Lynch
James E. Ross

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

In the Senate, December 9, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of

the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on September 14, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Walter V. Rucosky Member
Board of Trustees
Somerset State Hospital

Edward P. Zemprelli
Eugene F. Scanlon
Robert J. Mellow
Francis J. Lynch
James E. Ross

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

In the Senate, December 9, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the H of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “.... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on September 14, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Matthew Zoppetti Member
Board of Assistance,
Columbia County

Edward P. Zemprelli
Eugene F. Scanlon
Robert J. Mellow
Francis J. Lynch
James E. Ross

The PRESIDENT pro tempore. The communications will be laid on the table.

COMMUNICATION FROM THE GOVERNOR**DISPOSITION OF COMMONWEALTH
SURPLUS LAND NO. 1**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

December 8, 1981

**TO THE GENERAL ASSEMBLY OF THE
COMMONWEALTH OF PENNSYLVANIA**

By the authority vested in me by Article XXIV-A of the Act of July 1, 1981 (P.L. _____, No. 48) entitled "Disposition of Commonwealth Surplus Land," I transmit herewith the 1981 Surplus Property Disposition Plan.

The State of Pennsylvania may be the largest and most diverse real estate owner in the Commonwealth. All total, the Commonwealth owns approximately 13,400 buildings and 3.7 million acres of land. Included in this inventory are many unused facilities and acreage for which the Commonwealth has no immediate or future need. Continued ownership of this surplus real estate poses several liabilities to the State and its taxpayers. As they stand idle, these properties consume caretaking and security budgets, or conversely, they suffer from lack of same. Costly insurance risks are imposed, since the waiving of Sovereign Immunity has subjected the state to lawsuits. Furthermore, these properties yield no local real estate tax income, and standing idle, they preclude the possibility of productive use for residential, agricultural, or commercial purposes for which they may be individually appropriate.

The Surplus Property Disposition Plan, required by Act 48 of 1981, provides for an efficient and orderly system for the annual disposition of excess real estate that is surplus to the needs of State Government, and ensures that all conveyances are made for fair consideration predicated upon fair market value. With the passage of Act 48, a systematic process has been established whereby the Commonwealth can effectively manage its real estate assets, address deficiencies which were previously unknown, and divest itself of surplus holdings through the Surplus Property Disposition Plan as approved by the General Assembly.

Contained in the Plan for 1981 are eighteen (18) properties whose usefulness to State Government has ceased. However, their desirability and value for other purposes, in most cases, is substantial. The properties vary widely in size, nature, and geographic locations. The larger tracts have been divided so that they can be purchased in appropriate parcels or in total. The smaller urban properties have been kept as whole units. Any special considerations such as zoning restrictions, agricultural and open space requirements, retention of mineral rights, and easements and leases presently in effect, have been identified for each parcel. Upon final approval of the Disposition Plan, much of this information will serve as a sales brochure for prospective purchasers.

Pursuant to Act 48 of 1981, the Plan has been transmitted to the Chairmen and Minority Chairmen of the House and Senate State Government Committees. The House and Senate

Committees have conducted joint public hearings as a part of their review of the Plan and have advised the Department of General Services of their findings in separate reports. These findings have been incorporated into the Plan as submitted to you.

The Department of General Services has also invited public comments on the Plan through publication in the Pennsylvania Bulletin, Vol. 11, No. 40, Saturday, October 3, 1981. In addition, pursuant to Act 48, the Department has requested and received the Attorney General's approval of the Plan for form and legality.

Approval to sell the properties contained in the Plan will result in substantial benefits to the Commonwealth. The various objectives to be attained are that idle real estate will be returned to local tax rolls and put to productive use, state exposure to liability and other insurance risks will be reduced, and excessive security and maintenance costs, or losses through deterioration and neglect, will be avoided.

I, therefore, transmit to you and urge your approval of the 1981 Surplus Property Disposition Plan.

DICK THORNBURGH.

The PRESIDENT pro tempore. This will appear on the Calendar as Surplus Property Disposition Plan No. 1.

HOUSE MESSAGES**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committee indicated:

December 9, 1981

HB 1532, 1533, 1534, 1535 and 1537— Committee on Local Government.

GENERAL COMMUNICATIONS**BILLS INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

December 9, 1981

Senators SNYDER and KUSSE presented to the Chair **SB 1239**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," authorizing the joinder of additional defendants in certain instances.

Which was committed to the Committee on LABOR AND INDUSTRY, December 9, 1981.

Senators SNYDER, KUSSE and O'CONNELL presented to the Chair **SB 1240**, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled "Pennsylvania Drug and Alcohol Abuse Control Act," abolishing the Governor's Council on Drug and Alcohol Abuse.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 9, 1981.

Senator GREENLEAF presented to the Chair **SB 1241**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members or law enforcement officers killed in the performance of their duties," further providing for the application of the act to injuries caused by stress and strain.

Which was committed to the Committee on BANKING AND INSURANCE, December 9, 1981.

Senator GREENLEAF presented to the Chair **SB 1242**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and inspection of vehicles, the appointment and certification of inspection stations and mechanics and requiring the fee for inspection certificates to be printed thereon.

Which was committed to the Committee on TRANSPORTATION, December 9, 1981.

Senators STAUFFER, SCANLON, HAGER, MELLOW, ROSS, LOEPER, MOORE and HESS presented to the Chair **SB 1243**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing that the Commonwealth or other employer make pickup contributions to the State Employees' Retirement System on behalf of State employees.

Which was committed to the Committee on FINANCE, December 9, 1981.

Senators ZEMPRELLI, MELLOW, LYNCH, ROSS, FUMO, ANDREZESKI, SINGEL, LEWIS, BODACK, MCKINNEY, REIBMAN, STAMPONE, O'PAKE, ROMANELLI, SCANLON, LINCOLN, STOUT, HANKINS and MURRAY presented to the Chair **SB 1244**, 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; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," reducing the rate of taxation.

Which was committed to the Committee on LAW AND JUSTICE, December 9, 1981.

Senators ZEMPRELLI, MELLOW, ROSS, FUMO, LYNCH, ANDREZESKI, SINGEL, LEWIS, BODACK, MCKINNEY, REIBMAN, STAMPONE, O'PAKE, ROMANELLI, SCANLON, LINCOLN, STOUT, HANKINS and MURRAY presented to the Chair **SB 1245**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," establishing the board as an independent board; imposing additional powers and duties on the board; providing for the establishment and operation of agency stores and providing for citizen advisory panels.

Which was committed to the Committee on LAW AND JUSTICE, December 9, 1981.

Senators ANDREZESKI, LEWIS, GREENLEAF, HOWARD, ROSS, ZEMPRELLI, LINCOLN, MOORE, MURRAY, CORMAN, WILT, O'PAKE, KELLEY, SHAFFER, ROMANELLI, STAMPONE, EARLY, MESSINGER, MELLOW, REIBMAN, LYNCH, STOUT and BODACK presented to the Chair **SB 1246**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for disposition of certain moneys into the State Treasury to support the Pennsylvania wine and grape industry.

Which was committed to the Committee on LAW AND JUSTICE, December 9, 1981.

Senators ANDREZESKI, LEWIS, GREENLEAF, HOWARD, ROSS, ZEMPRELLI, LINCOLN, MOORE, MURRAY, CORMAN, WILT, O'PAKE, KELLEY, SHAFFER, ROMANELLI, STAMPONE, EARLY, MESSINGER, MELLOW, REIBMAN, LYNCH, STOUT and BODACK presented to the Chair **SB 1247**, 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, December 9, 1981.

Senators ANDREZESKI, LEWIS, GREENLEAF, HOWARD, ROSS, ZEMPRELLI, LINCOLN, MOORE, MURRAY, CORMAN, WILT, O'PAKE, KELLEY, SHAFFER, ROMANELLI, STAMPONE, EARLY, MESSINGER, MELLOW, REIBMAN, LYNCH, STOUT, SINGEL and BODACK presented to the Chair **SB 1248**, 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, December 9, 1981.

Senators ANDREZESKI, LEWIS, GREENLEAF, HOWARD, ROSS, ZEMPRELLI, LINCOLN, MOORE, MURRAY, CORMAN, WILT, O'PAKE, KELLEY, SHAFFER, ROMANELLI, STAMPONE, EARLY, MESSINGER, MELLOW, REIBMAN, LYNCH, STOUT and BODACK presented to the Chair **SB 1249**, 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, December 9, 1981.

BILLS SIGNED

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

SB 562, 962, HB 145 and 1546.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. For the information of the Members of the Senate, we are awaiting the transmittal from

the Legislative Reference Bureau of certain amendments which are to be offered to Senate Bill No. 618. Unfortunately we have no business to do at the desk, so for the moment the Senate will be at ease.

Also, food has been ordered for the Members of the Senate and for all Senate staff and support staff, including the Legislative Reference Bureau and everyone. It will be arriving soon. As soon as it is here, everyone will be notified. The food for the Senators will be served in the Senate dining room and for all staff Members in the conference room of the President pro tempore's office.

(The Senate was at ease.)

SUPPLEMENTAL CALENDAR NO. 1

BILL WHICH HOUSE HAS INSISTED ON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE

BILL OVER IN ORDER

SB 618 (Pr. No. 1182) — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SUPPLEMENTAL CALENDAR NO. 2

BILL WHICH SENATE HAS CONCURRED IN HOUSE AMENDMENTS BY AMENDING HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS BY AMENDING HOUSE AMENDMENTS

SB 618 (Pr. No. 1534)— The bill was considered,

On the question,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENTS I

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

Amend page 21, lines 7 through 16, by striking out all of said lines

Amend page 21, line 17, by striking out "5" and inserting: 3

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, one of the most significant portions of Senate Bill No. 618 in my opinion is not the proposal to reduce the previous appropriations we have made by action of this Senate and concurrence of the House by one per cent, but it deals with the provisions that are contained in Sections 3 and 4 which have consistently appeared both in the report of the Committee of Conference, appeared again in the amendments and, of course, are to be seen now in the bill as it stands before us.

Mr. President, I hope every Member of this Senate, whether they are here or listening someplace else, or if they are concerned at all about the fiscal affairs of this Common-

wealth, will take a few minutes to look at these two provisions because they ought to scare the hell out of us if we look at them.

Section 4, if we approve this bill, says, "The General Assembly directs the Governor to take all action necessary to balance the 1981-1982 General Fund budget..."—

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Street, will state it.

Senator STREET. Mr. President, are we now debating the substance of Senate Bill No. 618? We are moving to pass the bill finally, is that correct, Mr. President?

The PRESIDENT pro tempore. The gentleman is speaking upon his amendments to sections of the bill and he is speaking in favor of those amendments and in so doing, he is addressing himself to those sections he wishes to amend.

Senator STREET. Fine, Mr. President. So, we are going to deal with all of the amendments of the gentleman at this one time?

The PRESIDENT pro tempore. No, Senator, we are dealing right now with an amendment, and the only one which has been prepared to this point, and I assume the gentleman is speaking to sections of the bill in its present form which he wishes to amend and is now going to cite the downside of the bill as it presently is and then I assume he will get to what he considers to be the upside of the amendments which he is offering. With that as a general explanation, the gentleman may proceed.

Senator LEWIS. Mr. President, your anticipations of my approach are accurate.

The amendments, in the event that that was not made clear, propose to delete Sections 3 and 4 of Senate Bill No. 618 in its current printer's number as are to be found on page 21.

Mr. President, the point which I was trying to make and which will not be lost irrespective of the fact of whether there are those here who choose not to listen to what is to be said, is that Section 4 as it now stands before us, indicates that this General Assembly is directing the Governor to take all action necessary to balance the 1981-1982 General Fund budget including, but not limited to, the revision of the official revenue estimate and the abatement of other appropriations.

Mr. President, I cannot imagine any situation, and I have certainly experienced none in the seven years in which I have been here, in which there has ever been a proposal before us in which the General Assembly has considered giving up the powers and the responsibilities which we are charged to exercise. To talk about giving this kind of unlimited, unfettered power to the Chief Executive, whomever it may be, is beyond my comprehension for responsible action for a General Assembly.

Stop and think for just a moment what this type of broad language could potentially mean. We are standing here today talking about reductions in appropriations, we will engage in debate, we will certainly engage in consideration of what these proposals will mean to our constituencies, and then notwith-

standing whatever any of that might mean we are telling this Governor and this Administration that if in their opinion this budget still is not balanced, and it will not be, he can then do anything he pleases without ever coming back to this General Assembly for any permission or authority to take that action. We suggest he can change the revenue estimates, and that certainly is not going to balance a budget and I will speak to that a little bit more in just a moment, but we also give him the unfettered authority to abate any other appropriation. I think that is certainly implied within this extension of power, because we say that he can take all action necessary, we then identify two, but indicate that it is not limited to that. Certainly within the constraints of action necessary to balance a budget, fall not only the prospect for reducing the appropriations, but also the equal prospect for increasing revenues.

Mr. President, I think we certainly have to consider the possibility that this broad extension of power could be construed to mean that the Governor could unilaterally increase the revenue-generating mechanisms within this Commonwealth.

Mr. President, let us look at the proposed power to revise revenue estimates as one example of the blatant unconstitutionality of this provision. For more than five decades we have had unchallenged in the law of this Commonwealth an Attorney General's opinion that was authored by Attorney General Schnader in which he had to consider the question of the Chief Executive unilaterally changing revenue estimates. In doing so, Mr. President, he indicated that an estimate of revenue can never be guaranteed as accurate. In times of prosperity it is almost certain to be too conservative and in times of depression it is almost certain to be the reverse, but we cannot believe it was the intention of the framers of the Constitution and of the people who adopted it to provide a system under which an appropriation valid on the date of its approval could later be invalidated by the action of a single executive officer. The conclusion of that lengthy Attorney General's opinion was that it was blatantly unconstitutional for the Chief Executive to change a revenue estimate at his own volition in midstream of a fiscal year. I think we cannot lose sight of that.

Mr. President, let us also not lose sight again of the power that we are relinquishing as a General Assembly if we approve this proposal, the power to consider the appropriations under which the agencies of this Commonwealth and all of those who depend upon us are going to act, and let us also consider in conjunction with Section 3 the possibility that all of the exclusions we have been so concerned about in the preceding sections are also now not immune to the abatement process and the broad generalities that we are going to give to the Governor.

Section 3 says, "The provisions of this act shall supersede all other acts or parts of acts which require or mandate payments to school districts, persons, or other entities. Each State agency shall take all steps required to reduce operations to the level necessitated by the provisions of this section." We then follow that with the unfettered abatement capacity for the Governor.

Mr. President, I suggest a reasonable reading of those two sections put together means that notwithstanding the exceptions in Section 2, that school district subsidies are subject to a unilateral reduction by this Governor, that cash grants and medical assistance are subject to reductions by this Governor and that all of those items, as well as the ones that are not excluded by the provisions of the language now in Senate Bill No. 618, are clearly subject to reductions that may significantly exceed the one per cent level that we are presently dealing with. Let us have the responsibility to stand up and deal with the budgetary crisis in the fashion that we should. If there are reductions to be made, then let us make them individually after considering the alternatives, after weighing the relative priorities of the spending programs of this Commonwealth. Let us not run away from those responsibilities as we are clearly doing if we permit Sections 3 and 4 to remain.

Mr. President, it is for those reasons that I would urge every Member of this Senate who is concerned about maintaining the integrity of the system of checks and balances between the Legislature and the Executive to approve these amendments and to eliminate those two sections that give such unfettered power to the Governor.

Senator TILGHMAN. Mr. President, I talked to Secretary Wilburn relative to this paragraph in the bill after the discussion in the Committee of Conference on December 8. He wrote me a letter and in it there is a preamble, but he goes on and states, "Section 4 recognizes the Governor's constitutional obligation to balance the budget." The key word in that paragraph is "balance." Not Secretary Wilburn's paragraph, but the paragraph in the bill.

"This section is included for two reasons: to enable the Governor to adjust the Official Revenue Estimates to reflect significant State revenue losses brought about by the Federal Economic Recovery Act; and to enable the Governor to abate the nonpreferred appropriations by an amount consistent with the reduction in preferred appropriations outlined in Section 2.

"It could be argued that the official revenue estimate could be changed based on the Federal Act, but we do not like to establish the precedent of changing the Commonwealth's Official Revenue Estimate based on Congressional action without the concurrence of the General Assembly."

Mr. President, it goes on with some more, but those are the key paragraphs. For that reason, Mr. President, I urge a negative vote on the amendments.

Senator MESSINGER. Mr. President, yesterday I heard people speak of the fact that the only people on our side who were debating were those who were candidates for Governor. I wish to state now that I am not a candidate for Governor and I would just like to say very briefly a few things.

Mr. President, I cannot believe that this General Assembly would enact a bill with Section 4 giving such broad powers to the Executive department and then getting sufficient votes by adding a few words in Section 2, which is the nicest flimflam artistry I have seen for a long while because everything that is in Section 2 is negated in Section 4. If anybody was fooled by that, I am sorry. Anybody who can read English and reads

Section 4 knows that gives absolute power to the Governor to do with the budget and the revenue estimates as he wishes and that is a sorry state of affairs.

Senator ZEMPRELLI. Mr. President, I will be brief. There are two significant matters that indicate the brazen attitude of the General Assembly in considering Section 4. One is that I received the alarming call from the House of Representatives that the bill that we are now debating is before them in printed form bearing the amendments that were passed several minutes before the recess with none of the amendments under consideration now.

Section 4 is not only brazen, it is shameful. I cannot believe there is anybody on the other side of the aisle that would attempt to defend that which we purport to do in Section 4. It is the Houdini act. What you give in number two you have taken away in number four. To suggest as the gentleman from Montgomery, Senator Tilghman, has, that the Governor does not now have the power to balance the budget constitutionally is to throw a smokescreen on this issue. I cannot believe this General Assembly, or would I ever believe that we would ever reach the day when we would consider that type of legislation that would totally abdicate the responsibility of the General Assembly and reduce us to eunuchs and nothing more. That is how horrendous this piece of legislation is.

Senator LEWIS. Mr. President, let us get it clearly understood that the constitutional obligation to balance the budget is ours as much as the Governor's. It is one in which we all must participate as we debate the spending programs for this Commonwealth. If in fact the revenue picture changes at some point so dramatically that we need to readjust appropriations, then it is our obligation as well as the Governor's and it should not be handed to him unilaterally, especially under circumstances such as these which exist now in which the revenue estimates were clearly inaccurate from the beginning as I commented upon with frequency in the debates a few months ago.

Let us also look at the power to abate as included in Section 4, and let us understand the Governor now has the constitutional obligation to abate nonpreferred appropriations and he needs no further power from us to do that. Let us not confuse that with the authority that this bill proposes to give to him to abate our General Fund appropriations. Therein lies the very significant difference and the very serious jeopardy to the appropriations process which all of us must be concerned about. Do not confuse abatement on one hand with unfettered power with total discretion on the other hand. The cute use of similar words should not be enough to confuse any of the Members of this General Assembly. Nowhere, at no time, under any circumstances has any Governor ever had the opportunity to unilaterally reduce General Fund appropriations and that very simply is what is being proposed to be given to him by way of power now in Senate Bill No. 618. No letter from the Budget Director to the contrary should lead any of us into any confusion about what will occur if it is adopted.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—24

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT II

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Pennsylvania Higher Education Assistance Agency for scholarships

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, very simply this amendment would except from the impact of the one per cent reduction the grants to the Higher Education Assistance Agency. The savings which would remain available for the scholarship program would amount to some \$142,000. I will not take a lot of time going through the recital of how many students have had reductions in their scholarship programs because of the budgetary level initially approved. I think it should be obvious to everyone that there will be further reductions and further students who are counting upon this program who will be eliminated from it if we do not except this appropriation from the impact of the one per cent cut as we have done with other needy appropriations.

Senator JUBELIRER. Mr. President, the gentleman from Bucks, Senator Lewis, has offered the beginning of a series of what I would term certainly very attractive amendments. I believe we have set our priorities and, obviously, if we were to accept the amendments, this being the first of them, and I am sure one of the more attractive, and avoided those priorities, that we would have indeed upset the entire budgetary process, creating again the aura for potential chaos next year when the revenues were not there and obviously being in a situation where a tax increase would be a distinct possibility. Mr. President, I would ask the Members to vote "no" on this amendment and the other amendments which I am sure will be similar types of exemptions.

Senator BELL. Mr. President, I cannot help but note and put into the record that the gentleman from Bucks, Senator Lewis, wants to provide more money for higher education in the same evening the gentleman has voted against money for welfare. In other words, the gentleman's vote earlier was to take money away from welfare people, now the gentleman wants to give money to people in college. I just wonder if people starve to death how can they get to college?

Senator LEWIS. Mr. President, the report of the Committee of Conference on Senate Bill No. 618 started out purportedly to bring about a reduction in expenditures in the neighborhood of about \$48 million. In its present form it has been virtually emasculated so that the savings which we are supposedly reaping to this Commonwealth to rescue us from our economic dilemma is now barely down to \$20 million, some fifty-five or sixty per cent below that which was initially before us. That has been effected as a result of the amendments that were adopted here a little bit earlier, so I cannot help but wonder about where our priorities really are and in fact it has been I who has suggested that we ought to start establishing priorities with our cuts rather than trying to blanket them across so many other deserving areas such as the PHEAA grant. Then I guess when we look at the reality of the situation as pointed out by the gentleman from Allegheny, Senator Zemprelli, before, one ought to quickly understand the merits of the argument will be lost in the evening wind inasmuch as a fully reprinted Senate Bill No. 618 with a new printer's number is already over in the House for consideration. I think that makes it pretty clear the Members on the other side of the aisle have made up their minds a long time ago that, notwithstanding any merits to any of these amendments, they will all be defeated. While that is not a pleasant prospect it is one, nevertheless, that I think we are going to have to deal with. We may be willing to accept that but let us not try to hide in substantive argument that is designed to try to indicate that there is not merit to the amendments. Let us deal with the reality of the procedure as it stands before us.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT III

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Education for community colleges for operating and capital expenses

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

Senator LEWIS. Mr. President, just a short while ago, we in this Senate tried to structure our priorities and notwithstanding the appropriations contained in the General Fund budget passed a number of months ago, recognized a serious deficiency with our community colleges and I believe by virtually unanimous vote approved an additional \$3 million in a bill that is now over in the House. Unfortunately, the impact of Senate Bill No. 618 as it is now before us, would be to significantly undo that which we have already seen fit and necessary to attempt to correct because if we permit Senate Bill No. 618 to go without the exception contained in this amendment, we would find our community colleges would be cut by some \$580,000, money which we have already recognized they cannot afford to lose.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT IV

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Department of Environmental Resources for sewage treatment operations grants,

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

Senator LEWIS. Mr. President, this amendment proposes to except from the impact of the one per cent cut the grants for municipal sewage treatment operations, an item again which this General Assembly was much concerned about.

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

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

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, the appropriation initially approved for the sewage treatment items was some \$14.8 million. The status of appropriations seems to indicate that at this point all of that money may well have been distributed to the municipalities.

Can the gentleman tell me, Mr. President, whether in the event that Senate Bill No. 618 is approved in its present form, it would call for \$148,000 reduction of that appropriation, if, in fact, it has already been distributed to the municipalities, will they be required to repay it or what will be the impact of that situation?

Senator TILGHMAN. Mr. President, I do not know if it has all been spent but I think it would be a virtual impossibility to get money back from municipalities. I really do not know as to the disposition of the funds.

Senator LEWIS. Mr. President, I cannot help but wonder whether Section 4 would give the Governor the authority to do that somehow or another. Notwithstanding that serious question about this proposed reduction, I know how much many of us were concerned about this appropriation for our municipalities, for monies they were counting upon for expenditures for sewage treatment operations and I would ask for an affirmative vote.

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

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

Senator MANBECK. Mr. President, I would like a verification of the affirmative votes.

The PRESIDENT pro tempore. The Clerk will proceed with a full roll call. Those Members of the Senate who have gone to their offices are advised that the Senate is about to proceed upon a slow roll call. All Members are requested to come to the floor of the Senate. The Clerk will proceed with the roll call.

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT V

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Department of Education for State colleges and university,

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

Senator LEWIS. Mr. President, this amendment proposes to except from the impact of the proposed one per cent cut the appropriation for our State colleges and university. The savings would amount to some \$2.28 million. I am sure we are all aware of the fact that most of these institutions had to increase their tuitions by approximately \$150 this year, and I am sure none of us would want to see tuitions increased again during the second semester which seems to me to be the only alternative if this unanticipated dramatic reduction in monies is forced upon them at this late date.

Mr. President, I would ask for an affirmative vote.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT VI

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Department of Public Welfare for Mental Retardation Community Services,

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

Senator LEWIS. Mr. President, this amendment proposes to except from the impact of the proposed one per cent cut the appropriation previously made to the Department of Welfare for mental retardation community services. The savings for those very vital programs would be some \$1.4 million.

Mr. President, I would ask for an affirmative vote.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT VII

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Public Welfare for Mental Health Community Services

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

Senator LEWIS. Mr. President, this amendment proposes to except from the impact of the one per cent cut the appropriation to the Department of Public Welfare for mental health community services the savings that will be realized over the bill in its proposed form will be some \$836,000.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,
Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT VIII

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Aging for programs for aging

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

Senator LEWIS. Mr. President, for those of us who may be feeling old and tired because of the hour, I think we should be aware of the fact that the years will catch up with us as the hours are doing and we may at some point be thankful for excepting this particular item from the ravages of the proposed one per cent cut. The amendment specifically proposes to except the appropriation to the Department of Aging for programs for the aging, the savings being some \$146,000.

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

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT IX

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Treasury Department for Project 70 and Acquisition Sinking Fund, Land and Water Development Sinking Fund, Capital Debt Fund, Vietnam Veterans Compensation Bond Interest Payments and Disaster Relief - Sinking Funds,

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, one of the items that must be paid notwithstanding any other appropriations that may be made by this General Assembly are our obligations for capital debt expenditures. We are obligated under the Constitution to make those payments first before any other items and notwithstanding Senate Bill No. 618 or any other attempt to fail to provide adequate funding to meet those obligations, these items must be paid. The proposal in this bill to reduce the appropriations for capital debt by one per cent is patently unconstitutional and cannot be implemented in any way, shape or form. This amendment simply gives the viewing to that reality which exists in the Constitution and excepts from the impact of the one per cent cut the proposed reductions for our capital debt expenditure items.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT X

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Governor's Office for State Correctional Institutions,

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment proposes to except from the one per cent cut the appropriation to the Department of Corrections. We do not need another incident such as that which occurred at Graterford, yet notwithstanding the proposed attempt here, we know from the Commissioner of the Department of Corrections that they are already some \$6 million to \$9 million short in meeting the minimum operational obligations for our Department of Corrections. I do not know how we can propose to cut another \$1 million from a budget that is already in such bad shape that we will not have food to feed those who are incarcerated sometime before this spring is over. This will except from the impact of that appropriation the items for the State Correctional Institutions.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XI

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

Amend Sec. 2, page 21, line 2, by removing the comma after "GRANTS" and inserting: and except appropriations to the Department of Revenue for Public Utility Realty Tax Distribution,

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment proposes to except from the one per cent reduction the distribution of the Public Utility Realty Tax proceeds upon which all of our municipalities depend and which is a reimbursement item that goes directly to them. The loss to our municipalities if this amendment is not accepted will be some \$500,000.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XII

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Community Affairs for Housing and Redevelopment Assistance

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, we had lengthy debate on this floor about an appropriate level of funding for our Housing and Redevelopment Assistance programs. We seem to believe that we had arrived at that after cutting some \$11 million from the original proposed appropriation. This amendment will restore for Housing and Redevelopment Assistance programs some \$50,000 that will otherwise be cut if the one per cent proposal is allowed to take effect.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout

Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XIII

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Public Welfare for State mental hospitals

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, we are already in catastrophic condition with respect to the delivery of services at our State mental hospitals. We have seen dramatic layoffs at places such as the Philadelphia State Hospital. We anticipate them to be forthcoming at others. Physicians' salaries are already so low that we are in jeopardy of not qualifying for Federal reimbursement funds. This amendment will save some \$2.6 million which is desperately needed in order to fund the needs for our State mental hospitals in this Commonwealth.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampone
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XIV

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Judicial Department for salaries and expenses for community courts - district justices of peace

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

Senator LEWIS. Mr. President, one of the items which we have appropriated simply goes to statutorily mandated salaries for the justices of the peace of this Commonwealth. Those salaries are fixed, the monies are already totally obligated. This amendment will save us from falling into default with respect to those salaries to the extent of some \$165,000, which is an obligation we absolutely must meet and cannot avoid notwithstanding the proposals in the bill.

Mr. President, I would ask for an affirmative vote to maintain that necessary funding level.

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

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

YEAS—22

Table with 4 columns: Name, Lewis, O'Pake, Singel. Rows include Andrezeski, Bodack, Early, Fumo, Hankins, Kelley.

NAYS—26

Table with 4 columns: Name, Hess, Manbeck, Shaffer. Rows include Bell, Corman, Fisher, Gekas, Greenleaf, Hager, Helfrick.

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

And the question recurring, Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XV

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Environmental Resources for gypsy moth spraying

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

Senator LEWIS. Mr. President, at the meeting of the Committee on Appropriations today we were told we needed another \$4 million for gypsy moth spraying in this Commonwealth. I raised questions about where the money was going to come from and as I recall many of my colleagues did not

feel that should be our principal concern because the spraying was an absolute requirement in their areas.

Unfortunately, Mr. President, the proposals in Senate Bill No. 618 will reduce the appropriation already made a number of months ago for gypsy moth spraying by some \$750,000. I cannot see how we can possibly talk about a need to increase a previous appropriation by \$4 million at one hour in the afternoon and then a short time later turn around and suggest that we are going to cut the existing appropriations by some \$750,000. I just do not understand how we can possibly do that. I think this has been impressed upon me as being such a necessary and vital program that I would hope we would adopt this amendment.

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

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

YEAS—22

Table with 4 columns: Name, Lewis, O'Pake, Singel. Rows include Andrezeski, Bodack, Early, Fumo, Hankins, Kelley.

NAYS—26

Table with 4 columns: Name, Hess, Manbeck, Shaffer. Rows include Bell, Corman, Fisher, Gekas, Greenleaf, Hager, Helfrick.

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

And the question recurring, Will the Senate concur in House amendments by amending House amendments?

LEWIS AMENDMENT XVI

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

Amend Sec. 2, page 21, line 2, by inserting after "GRANTS": and except appropriations to the Department of Military Affairs for veterans homes

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

Senator LEWIS. Mr. President, as my final amendment for the evening, we propose to except from the proposed one per cent reduction the appropriation already made to the Department of Military Affairs for veterans homes. Quite simply this means Hollidaysburg. If the one per cent reduction is allowed to remain as it is now proposed, there will be a \$51,000 cut in the funds necessary to operate the veterans home in Hollidaysburg.

Mr. President, this amendment will obviate that cut.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stampono
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—26

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

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

And the question recurring,

Will the Senate concur in House amendments by amending House amendments?

**MOTION TO CONCUR IN HOUSE AMENDMENTS
BY AMENDING HOUSE AMENDMENTS**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 618.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, is the Chair now asking the Senate to concur in House amendments as amended by the Senate?

The PRESIDENT pro tempore. The Chair is informed that is the proper way for Senator Jubelirer to have placed the motion and he did.

Senator ZEMPRELLI. Mr. President, may we be at ease for just one moment?

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

(The Senate was at ease.)

The PRESIDENT pro tempore. Members of the Senate who are in their offices should be aware that a roll call vote is imminent on Senate Bill No. 618.

It is the opinion of the Chair, Senator Zemprelli, the question is correctly stated.

Senator ZEMPRELLI. Mr. President, what we are about to do here, and I am as certain as God made green apples it will be done, the House is waiting with the bill in print is the most shameful thing that I have been in any way aware of or have observed. What we have done here is abdicated our responsibility by making the Governor of this Commonwealth a dictator or a czar, as we would have it, simply because we do not have the guts or the courage to face the fallout that has been brought upon this Commonwealth by Reaganomics. I rest my case.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

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

NAYS—23

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampono
Early	Lynch	Reibman	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley	Messinger	Scanlon	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1208, 1224 and HB 1643.

And said bills having been considered for the first time,

Ordered, To be laid aside for second consideration.

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, I am glad that the gentleman from Allegheny, Senator Zemprelli, reminded the Chair that there is such an order of business because I did not want to prolong the debate.

I was impressed with the word "shameful" which the gentleman used. There are certain people that acted shamefully tonight. I am going to tell the Members what I think was shamefully done.

The Democrats to a man voted to rescind the cuts of \$10 million to their selected beneficiaries such as the people who own the bonds, the bondholders, and on the same night the Democrats, who claim to be the protectors of the poor, voted to cut welfare by \$7,700,000.

Mr. President, let us, when we go home tonight, think who was shameful.

Senator ZEMPRELLI. Mr. President, I simply pass. I do not think there is anything more to be said.

Senator STREET. Mr. President, for the last couple days there has been a number of articles in the paper regarding some statements that I had made in Philadelphia that were headlined as "Senator Street Being Anti-Jewish." Mr. Presi-

dent, I want to set the record straight here this evening on the floor of the Senate.

It is not my intention, never was my intention, and never will be my intention, to alienate what I consider the black communities most staunch supporter for civil rights which has been the Jewish community. I would simply say there have been many things that have happened in the heat of battle in politics. I am not going to go through the entire scenario as it happened in Philadelphia.

Mr. President, I do at this time want to apologize to the gentleman from Blair, Senator Jubelirer, and other Members of this Body who are Jewish, for statements that were taken out of context, blown up in the news media and painted me as something that I am not. To the entire Jewish community in the State of Pennsylvania, I wish to at this time apologize for something that happened in an extemporaneous way; but the statements were in no way designed to degrade, demean or offend the Jewish community. I wanted to make that statement at this time, Mr. President.

Senator JUBELIRER. Mr. President, to the gentleman from Philadelphia, Senator Street, Shalom.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS

THURSDAY, DECEMBER 10, 1981

10:00 A.M. CONFERENCE COMMITTEE Senate Majority
on House Bill No. 720 Caucus Room

FRIDAY, DECEMBER 11, 1981

10:00 A.M. CONFERENCE COMMITTEE Senate Majority
on House Bill No. 720 (If Caucus Room
deliberations were not
completed at the Thursday,
Dec. 10th meeting)

MONDAY, DECEMBER 14, 1981

2:00 P.M. STATE GOVERNMENT Room 460,
(reconvening of recessed 4th Floor
meeting) Conference Rm.,
North Wing

TUESDAY, DECEMBER 15, 1981

10:00 A.M. ENVIRONMENTAL Room 459,
RESOURCES AND ENERGY 4th Floor
(to consider Senate Bill Conference Rm.,
No. 1157 and House Bills North Wing
No. 641, 642 and 1943)

11:00 A.M. BANKING AND INSURANCE Senate Majority
(Public Hearing to take Caucus Room
testimony on House Bill
No. 1889)

11:00 A.M. JUDICIARY (to consider Room 461,
Senate Bill No. 1206; House 4th Floor
Bill No. 1334 and the Conference Rm.,
nominations to the Court North Wing
of Common Pleas of Francis
J. Fornelli, Esquire, Mercer
County and Dana S. Jones,
Esquire, Erie County)

ADJOURNMENT

Senator JUBELIRER. Mr. President, at this time I move the Senate adjourn until Thursday, December 10, 1981, at 9:00 a.m., with the assurance to the Members that they will not have to vote. It will be a token Session to keep the desk open for bills from the House.

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

Senator ROMANELLI. Mr. President, I object.

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

The motion was agreed to.

The Senate adjourned at 10:58 p.m., Eastern Standard Time.